UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1990/5/Add.5
1 February 1991

Original: ENGLISH

First regular session of 1991

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

NEW ZEALAND

[9 October 1990]

READEX
FICHE

CONTENTS

		Paragraphs	Page
Introduction		1 - 32	1
Chapter			
I.	ARTICLE 6: THE RIGHT TO WORK	33 - 123	7
	A. Principal laws	33 - 37	7
	B. Employment	38 - 115	8
	C. Statistical and other information; difficulties affecting the realization of the right to work	116 - 123	21
II.	ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK	124 - 179	25
	A. Remuneration	126 - 140	25
	B. Safe and healthy working conditions	141 - 152	29
	C. Equal opportunity for promotion	153 - 164	33
	D. Rest, leisure, limitation of working hours and holidays with pay	165 - 179	35
III.	ARTICLE 8: TRADE UNION RIGHTS	180 - 213	38
	A. Principal laws	180 - 183	38
	B. Right to form and join trade unions	184 - 194	38
	C. Right of trade unions to federate	195 - 196	40
	D. Right of trade unions to function freely	197 - 203	40
	E. Right to strike	204 - 207	42
	F. Restrictions	208	42
	G. Factors and difficulties	209 - 213	42
IV.	ARTICLE 9: RIGHT TO SOCIAL SECURITY	214 - 275	44
	A. Principal laws	214	44
	B. Main features of the schemes in force	215 - 258	44
	C. Factors and difficulties affecting the degree of realization of the right to social security	259 - 269	51
	D. Progress achieved in the covering of new fields of social security	270 - 275	54

CONTENTS (continued)

Chapter		Paragraphs	Page
V.	ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN	276 - 345	55
	A. Protection of the family	276 - 296	55
	B. Maternity protection	297 - 308	59
	C. Protection of children and young persons	309 - 345	61
VI.	ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING	346 - 464	69
	A. General and specific measures	346 - 349	69
	B. Right to adequate food	350 - 393	69
	C. Right to adequate clothing	394 - 404	78
	D. Right to housing	405 - 464	79
VII.	ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH	465 - 577	90
	A. Principal laws	465 - 469	90
	B. Health measures	470 - 576	91
	C. Statistical and other data on the realization of the right to health	577	110
VIII.	ARTICLE 13: RIGHT TO EDUCATION	578 - 747	112
	A. Principal laws	578	112
	B. Measures taken to promote the full realization of the rights of everyone to education	579 - 598	112
	C. Primary education	599 - 610	116
	D. Right to secondary education	611 - 628	118
	E. Right to higher education	629 - 656	120
	F. Right to fundamental education	657 - 674	125
	G. Development of a system of schools	675 - 703	127
	H. Establishment of an adequate fellowship system	704 - 706	132
	I. Improvement of the material conditions of teaching staff	707 - 735	132
	J. Right to choice of school	736 - 740	137
	K. Liberty to establish and direct educational institutions	741 - 747	138
IX.	ARTICLE 14: THE PRINCIPLE OF COMPULSORY EDUCATION. FREE OF CHARGE FOR ALL	748	140

CONTENTS (continued)

Chapter		Paragraphs	Page
X.	ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS	749 - 930	140
	A. Right to take part in cultural life	749 - 851	140
	B. Right to enjoy the benefits of scientific progress and its applications	852 - 880	156
	C. Protection of moral and material interests of authors	881 - 891	160
	D. Steps taken for the conservation, the development and the diffusion of science and culture	892 - 904	161
	E. Right to freedom of scientific research and creative activity	905 - 911	163
	F. Encouragement and development of international contacts and cooperation in scientific and cultural fields	912 - 930	164

Annexes

I. List of attachments

II. Supplementary material

INTRODUCTION

1. New Zealand ratified the International Covenant on Economic, Social and Cultural Rights on 28 December 1978 and it entered into force for New Zealand on 28 March 1979. (New Zealand also ratified the International Covenant on Civil and Political Rights at that time.)

2. This report is submitted in accordance with articles 16 and 17 of the Covenant and, being New Zealand's initial report, it relates to the measures adopted and the progress made in achieving the rights recognized in the Covenant from the time of its entry into force for New Zealand, until mid-1990.

3. Reports on the implementation of the Covenant with regard to the Cook Islands, Niue and Tokelau, which are also covered by New Zealand's ratification, will be submitted separately.

4. A description of the New Zealand legal structure is contained in the introduction to New Zealand's initial and second reports to the Human Rights Committee of the United Nations on its implementation of the International Covenant on Civil and Political Rights (CCPR/C/10/Add.6 and CCPR/C/37/Add.8), and is not repeated in detail here. In summary, New Zealand is a parliamentary democracy based on the Westminster model. Legislative power rests with Parliament, which consists of the Governor General (who acts on behalf of Her Majesty the Queen) and the 97-member elected House of Representatives. The role of the Governor General being essentially formal in nature, "Parliament" is for practical purposes synonymous with "House of Representatives". Elections are held every three years.

5. In New Zealand, the ordinary law (as opposed to a supreme or basic law such as that found in many jurisdictions) provides the foundation for the constitutional framework. The Constitution Act 1986 terminated the residual power of the United Kingdom Parliament to enact law for New Zealand and brought together in one enactment most of the statutory provisions of constitutional importance. New Zealand law consists of the common law (sometimes referred to as case law or judge-made law); statute law enacted by the New Zealand Parliament; a small number of United Kingdom statutes adopted in the main before 1840, e.g. the Magna Carta; and regulations, by-laws and other forms of subordinate legislation made under statutory authority. (The Imperial Laws Application Act 1988 specifies the extent to which inherited imperial laws are to have effect as part of the laws of New Zealand.)

6. In recent years there has been ongoing debate over a proposal to adopt a Bill of Rights for New Zealand. Parliament's Justice and Law Reform Select Committee, after considering public submissions on a White Paper, including a draft Bill of Rights, issued its report in 1988. The Committee considered that New Zealand was not yet ready for a fully-fledged Bill of Rights along the lines of the White Paper draft. It saw, however, substantial merit in the proposal for a Bill of Rights for New Zealand. A majority of the Committee recommended the introduction of a Bill of Rights in the form of an ordinary statute, that is, not a supreme law and not entrenched. After discussion of the issues involved, it was decided not to extend the terms of the proposed Bill to include social and economic rights. The enjoyment of these rights, it was felt, is already adequately protected under the wide range of specific laws by which the Government is committed to positive action for their

promotion. A draft Bill of Rights in the form of an ordinary statute was accordingly introduced into Parliament and passed in August 1990. The focus of the law is upon civil and political rights, in order to provide certain checks and balances on existing powers of the Executive.

7. Specific information on the matters covered by articles 1 to 5 of the Covenant is provided at appropriate points of the main report relating to articles 6 to 15. A more general outline of the basic conditions relevant to those introductory provisions of the Covenant may also be helpful by way of background.

8. New Zealand's recognition of the right of peoples to self determination (art. 1) is well documented, and has in particular been demonstrated in the discharging of its obligations under Articles 73 and 76 of the Charter of the United Nations. More detailed information on this aspect is also provided in New Zealand's initial report to the Human Rights Committee.

9. In the context of the rights recognized by the International Covenant on Economic, Social and Cultural Rights, it may be noted that the New Zealand legal tradition has not tended to adopt statements of "rights" as such: thus the provisions of the Covenant have not been directly incorporated into law. However, in accordance with the Government's commitment to the progressive implementation of the rights that it covers (art. 2.1), New Zealand is giving effect to the Covenant through the provisions of individual statutes and through the wide range of programmes developed by the Government to implement those laws. Information on such laws and programmes is contained in the body of this report, in accordance with the Guidelines for Reporting contained in document E/C.12/1987/2 of 24 December 1986.

10. Two pieces of legislation are fundamental to New Zealand's implementation of the Covenant, and in particular to its prohibition of discrimination as contained in article 2.2. These are the Human Rights Commission Act 1977 and the Race Relations Act 1971.

11. The Human Rights Commission Act has the purpose of promoting the advancement of human rights in New Zealand in accordance with both of the international human rights Covenants. The Act makes it unlawful to discriminate on grounds of colour, race, ethnic or national origin, sex, marital status, or religious or ethical belief. The fields covered involve unlawful discrimination in matters relating to the provision of employment, land, housing and other accommodation, and education; as well as access by the public to places, vehicles and facilities, and the provision of goods and services. There are special provisions relating to advertising and victimization. In order to provide for the investigation of alleged breaches, the Act established the New Zealand Human Rights Commission, which also has the general function of promoting, encouraging and coordinating activities in the field of human rights.

12. The Race Relations Act 1971 was enacted principally in order to bring New Zealand law fully into conformity with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, which New Zealand ratified later the same year. Though of more limited scope than the Human Rights Commission Act, this Act established effective procedures,

through the Office of the Race Relations Conciliator, for dealing with offences of discrimination on grounds of colour, race, or ethnic or national origin. In similar terms to the Human Rights Commission Act, discrimination is forbidden in the provision of employment, land, housing and other accommodation, and goods and services, as well as in public access to places, vehicles and facilities, and in advertising.

13. Both Acts place emphasis on the settlement of complaints of discrimination through a process of conciliation. Where this fails, cases may be referred to the Equal Opportunities Tribunal, which was established under the Human Rights Commission Act. Examples of cases dealt with under these Acts are given in the body of this report where they are relevant to New Zealand's implementation of the Covenant.

14. The provisions of these two Acts, like all New Zealand laws, apply to everyone within the jurisdiction of New Zealand. With regard to article 2.3, it may be noted that some of the provisions of New Zealand laws and programmes relevant to the rights set forth in the Covenant are restricted in the case of non-nationals, for example by residential qualifications in the case of social security benefits, or by work permits in the case of the right to work. Further information on this aspect is given at the appropriate points of the report.

15. New Zealand is also a State party to the Convention on the Elimination of All Forms of Discrimination against Women, and is committed to ensuring the equal right of women and men to the enjoyment of the rights set out in the Covenant, (art. 3). With the establishment of the Ministry of Women's Affairs in 1985, the Government has an effective means of ensuring a women's perspective in the formulation of policy, with special attention to the views of Maori women through Te Ohu Whakatupu, a branch of the Ministry.

16. As regards limitations on rights (art. 5), the two reservations entered by New Zealand at the time of ratification, relating to article 8 (as regards freedom of association to form and join trade unions) and article 10 (as regards paid maternity leave) do not detract from New Zealand's observance of the nature of the rights concerned in these articles.

Basic conditions prevailing in New Zealand

17. In order to clarify further the context in which the report is set, the following section outlines the economic, social and cultural conditions prevailing in New Zealand.

18. New Zealand is a developed country with a market economy based on the export of primary products. It is a member of the OECD. The population at the time of the last census (1986) was 3.3 million. New Zealand is fortunate in its temperate climate and abundance of domestically produced foods. By most measures, living standards are high, though economic difficulties over recent decades have led to a decline in per capita incomes (from one of the highest rates in the OECD to 18th place by the early 1980s), and many other indicators of social well-being have also deteriorated. For the year ended March 1989, GDP per capita was $NZ 18,506 p.a.

19. Two main cultural streams make up New Zealand society: that of the Maori people whose roots and traditions go back a thousand years or more in New Zealand; and that of the European (predominantly British) settlers who have come to New Zealand over the last 150 years. The year 1990 is being marked with special significance both for its historical importance as the one hundred and fiftieth anniversary of the signing of the Treaty of Waitangi - the founding document of New Zealand which provided a basis for partnership between the Maori people and the British Crown - and as a milestone in the evolution of its national identity.

20. New Zealand society is still based on a commitment to community ideals. This has its roots both in Maori traditions of a cooperative and sharing society, in which great value is placed on tribal and extended family links; and in the community structures of the 19th century European settlers, for whom cooperation, sharing, and Christianity were essential aspects of daily life. Other non-European immigrant groups who formed part of the evolving society (for example Chinese and Indians, and people from neighbouring Pacific Island countries), also retained a strong attachment to family and community values as part of their own culture. Such characteristics were reflected in pioneering social welfare legislation, which has been further elaborated into a comprehensive social welfare system designed to ensure an adequate standard of living for all New Zealanders. Nevertheless, the strength of community values has been placed under pressure by urbanization and, more recently, by rapid social and economic changes.

21. Economic and social policies are designed to take account of certain characteristics of the New Zealand population. One of the most important is its growing ethnic diversity. While persons of European descent still make up the largest proportion of the population, this is decreasing. The 1986 Census recorded that people of European descent comprised about 81 per cent of the population, with those of Maori descent comprising about 12 per cent, Pacific Island Polynesian descent 4 per cent, and other ethnic descent, 3 per cent. While the Maori rate of growth has been slowing down, this proportion of the total population is still expected to increase. New Zealand's Pacific Island Polynesian population grew by about 30 per cent between 1981 and 1986 due to net immigration. Migration patterns are also likely to increase the proportion of the population of Asian descent.

22. New Zealand's population is highly urbanised. Auckland, in the north of the North Island, is New Zealand's largest city (and the world's largest Polynesian city). Twenty-five per cent of the population live in the Auckland area and nearly 75 per cent live in the North Island. During the period under review, the migration of rural dwellers to the cities has largely ceased. While the population remains mobile, migration is now mainly between urban centres, or in some cases away from cities to rural areas.

23. At present, the majority of the population (62 per cent) are people of working age, i.e. between 15 and 59 years of age. A steady rise in the proportion of the population in the younger working ages, 20 to 44 years old, reflects the maturing of the post-World War II "baby boomers". People under 15 comprise a decreasing proportion of the population overall, notwithstanding a current rise in the birth rate which appears to be a short-term trend. Those over 60 constitute an increasing proportion with a marked increase in the number of people aged 75 and older. The ageing of the population is thus a significant factor for economic and social planning.

24. Nearly 90 per cent of New Zealanders still live in family households, but fewer of these are nuclear family households. There has been a marked increase in the number of one parent families, divorces and remarriages, and *de facto* unions. In addition, there is now greater recognition of the importance of extended family ties, especially for Maori and Polynesian people.

Recent developments

25. In the years since 1984, important economic and social reforms have been undertaken. The economy has been extensively deregulated, including the abolition of agricultural subsidies, relaxation of import controls and reduction of tariff barriers. Budget deficits have been reduced, as has the level of inflation (to around 5 per cent in 1990). Major public sector reforms have been introduced to increase efficiency, for example through the corporatization (under the State Owned Enterprises Act 1986) of certain large government departments engaged in commercial activities; through management reforms in government departments (under the State Sector Act 1988); and through measures to ensure greater accountability for expenditure within government services.

26. The process of reform is continuing. Information on the changes which have occurred in areas such as labour relations, health, education, and social welfare is provided under the relevant articles of the report. It should be noted that in some cases where reforms are not yet fully implemented or where they are still very recent, it is not possible to assess their full impact. The Government has made it clear that the ultimate purpose of the reforms is the enhancement of living standards for all New Zealanders, on the basis of sustained economic growth. Many reforms are aimed at ensuring more equitable enjoyment of economic and social rights for all individuals and groups. In many respects, reforms have had the effect of reducing government intervention and promoting community involvement in decision-making.

27. Consultation between Government and the community on the reform programme has been an important part of the process. For example, the Government convened an Economic Summit Conference at Parliament in 1984, bringing together leaders from commerce, industry, the trade union movement and community groups. Discussions centred on the policies necessary to achieve improved economic growth, more jobs and greater social justice. The Conference pledged support for a cooperative approach to dealing with New Zealand's economic difficulties. Among other things, it urged the Government to pursue a consistent policy framework encompassing all interrelated elements of the economy.

28. In the social policy area, the Government in 1986 established the Royal Commission on Social Policy. The Royal Commission was charged with assessing how New Zealand measured up as a fair and just society, and with recommending improvements where society was falling short. Its report "Towards a Fair and Just Society" was presented in June 1988, and was based on over 6,000 submissions from individuals and groups, as well as research papers and other specially commissioned work. The following excerpt from the report lists four points which the Commissioners assessed should govern social policy for the next decade:

> "1. If we are to succeed as a society, New Zealand must do much better in two central areas. One is race relations and particularly the position of the Maori. The other is the role of women.
>
> 2. The importance of work, both paid and unpaid, to the well-being of all New Zealanders is crucial. The primary instrument for achieving a fair and just society must be economic and social policies designed to provide wide employment opportunities.
>
> 3. Major change is needed in the way the State and the institutions of the State carry out their responsibilities. There is a need for more effective individual and community participation with power, responsibility and resources moving closer to communities.
>
> 4. Economic and social policy are necessarily linked as interdependent means of achieving the same goal of social well-being. They should be designed jointly and their economic and social impacts should be regularly monitored and assessed."

29. The Royal Commission report has contributed substantially to discussions on subsequent reforms in all important fields. Many specific recommendations are reflected in policy developments, of which more detail is given in the main body of this report.

The Treaty of Waitangi

30. As noted above, the Treaty of Waitangi is New Zealand's founding document. During the period under review, the Treaty has gained an increasingly important place in the development of New Zealand law, and in all aspects of economic and social policy. Maori people have long maintained that the Treaty of Waitangi provides the basis for a harmonious bicultural society. A process whereby the principles of the Treaty are being incorporated into the New Zealand legal system has been gathering momentum since the passage of the Treaty of Waitangi Tribunal Amendment Act 1985. The Treaty is specifically recognized in a number of recent statutes of which important examples are the State Owned Enterprises Act 1986 and the Education Act 1989.

31. The New Zealand Government outlined its position on the Treaty in 1989 in a document entitled "Principles for Crown Action on the Treaty of Waitangi". The Prime Minister noted, in releasing the document, that the Treaty of Waitangi has the potential to be New Zealand's most powerful unifying symbol. The paper sets out five principles, consistent with the Treaty, which are aimed at helping the Government to make decisions about matters related to it. These are the principles of kawanatanga, (recognizing the right of the Crown to make laws and its obligation to govern in accordance with constitutional process); rangatiratanga (guaranteeing to Maori tribes the control and enjoyment of those resources and taonga, or prized possessions, which they wish to retain); equality; cooperation; and redress.

32. More detailed information on the Treaty of Waitangi is contained in New Zealand's Eighth & Ninth (Consolidated) Periodic Report to the Committee on the Elimination of Racial Discrimination (UN Document CERD/C/184/Add.5) and in New Zealand's earlier reports to that Committee.

I. ARTICLE 6: THE RIGHT TO WORK

A. Principal laws

33. The principal laws concerned with the right to work include:

(a) The Labour Department Act 1954 (until 1989);

(b) The Disabled Persons Promotion Act 1960;

(c) The Race Relations Act 1971;

(d) The Human Rights Commission Act 1977;

(e) The Apprenticeship Act 1983;

(f) The Labour Relations Act 1987;

(g) The State Sector Act 1988;

(h) The Immigration Act 1987;

(i) The ACCESS Training Scheme Act 1988.

34. The following reports to the International Labour Organisation (ILO) have also been made:

(a) 1986: Article 22 report on ILO Convention No. 122, Employment Policy, 1964;

(b) 1986: Article 22 reports on ILO Conventions No. 111, Discrimination (Employment and Occupation), 1958; No. 29, Forced Labour, 1930; No. 105, Abolition of Forced Labour, 1957;

(c) 1989: Article 22 report on ILO Convention No. 88, Employment Service;

(d) 1989: Article 22 report on ILO Convention No. 44, Unemployment Provision, 1934.

Introduction

35. The right to work is recognized in New Zealand as a vital factor in social and economic well-being. The shattering effects of widespread joblessness during the 1930s Depression formed the foundations for the modern welfare State that has evolved in New Zealand since then. The Royal Commission on Social Policy spoke of work as "central to the well-being of New Zealanders. How work is distributed, the conditions under which it is performed and the significance attached to it have an impact on every other aspect of social policy."

36. Thus although there is no statutory guarantee of the right to immediate work for everyone, the promotion of employment has for decades been a central element in the economic and social policies of New Zealand Governments, reflected for example in section 8 (2) of the Reserve Bank Act 1973

(repealed 1989). This stated that "the monetary policy of the Government ... shall be directed to the maintenance and promotion of economic and social welfare in New Zealand, having regard to the desirability of promoting the highest level of production and trade and full employment ..." Individual aspects of the right to work are safeguarded in a variety of legislation, described in the following sections.

37. Restrictions are placed upon the right of people who are not New Zealand citizens to undertake employment in New Zealand. Specifically, the Immigration Act 1987 (section 5) sets out the requirements for undertaking employment for non-citizens. Those who hold a residence permit, a work permit, or any other type of temporary permit authorizing employment in accordance with the Act, as well as those who are exempt under the Act from the requirement to hold a permit, may take on employment. Section 11 of the Act sets out the terms for exemption from the requirement to hold a permit (for example, diplomats, members of the armed forces of another country in certain circumstances, crew of foreign aircraft or fishing vessels, etc).

B. Employment

1. The right of everyone to gain a living by work freely chosen or accepted; freedom from compulsion, etc.

38. Forced or compulsory labour as an institution has never existed in New Zealand and is therefore not specifically referred to in its general law. New Zealand is a party to the Slavery Convention 1926, the 1953 Protocol amending that Convention, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery 1956. New Zealand is also a party to ILO Conventions No. 29 concerning forced or compulsory labour, 1930, and No. 105 for the Abolition of Forced Labour, 1957. Compulsory military service was abolished in 1973.

39. Education being compulsory until the age of 15, the minimum age for workers is 15, in practical terms. Section 30 of the Education Act 1989 proscribes the employment of anyone under 15 within school hours or in any circumstances which interfere with the person's schooling. A fine of up to $1,000 may be imposed for offences under this section. There are some occupations, such as newspaper or milk delivery, in which children may work within the scope of these restrictions.

40. There is no compulsory retirement age, though for workers in most parts of the public service, retirement is mandatory at 60. In the private sector, many awards stipulate the retirement age.

41. There is no restriction of freedom of choice of employment, subject to the availability of jobs, and Government policy of recent years has been aimed at increasing the flexibility and autonomy of the labour market.

42. Discrimination in respect of access to employment is illegal in New Zealand. Section 5 of the Race Relations Act 1971 covers the employment area in detail, prohibiting discrimination on the grounds of colour, race, ethnic or national origins with regard to hiring, firing, terms of employment, conditions of work and opportunities for training and promotion of any person. It is also unlawful to publish or display any advertisement or notice which indicates an intention to breach the non-discrimination provisions of the Act.

43. The Human Rights Commission Act 1977 (section 15) extends the grounds listed under the Race Relations Act, on which discrimination in employment matters is illegal, to include sex, marital status or religious or ethical belief. The only situations in which preferential treatment in access to jobs is permissible under the Act (section 15) are:

(a) On grounds of sex:

(i) For reasons of authenticity, e.g. modelling, theatrical performance;

(ii) To preserve standards of privacy, e.g. clothes fitter;

(iii) In domestic employment in a private household;

(iv) Where the employee is required to live in and it is not regarded as reasonable to require the employer to provide separate accommodation for both sexes;

(v) Where the position requires a married couple.

(b) On grounds of religious or ethical belief:

(i) Under section 65 of the Private Schools Integration Act 1975;

(ii) Where the sole or principal duties are akin to that of a priest or teacher in a private school; or consist of acting as a social worker on behalf of an organization whose members comprise adherents of that belief;

(iii) Where special circumstances govern the manner in which the duties of the position are required to be carried out which make it reasonable to require that those duties be carried out in that manner.

44. Any breach of the Acts may be the subject of an investigation by the Race Relations Conciliator or the Human Rights Commission respectively. Complaints are dealt with in the first instance by conciliation procedures provided through the two offices; if no agreement is reached, the matter may be referred to the Proceedings Commissioner (a member of the Human Rights Commission) and from there to the Equal Opportunities Tribunal. Further background to the workings of the Equal Opportunities Tribunal is provided in New Zealand's first and second reports under the International Covenant on Civil and Political Rights.

45. Employment-related complaints have consistently dominated the case-load of the Human Rights Commission since its establishment. Copies of the most recent annual reports of the Human Rights Commission incorporating that of the Race Relations Conciliator are attached. During 1988/89, 90 complaints relating to discrimination in the area of employment were investigated, of which 80 specifically concerned sex discrimination. Details of specific cases is contained under article 7.

46. While both the Race Relations Act and Human Rights Commission Acts prohibit negative discrimination in employment, they also make provision for positive discrimination in the operation of affirmative action programmes approved by the Human Rights Commission, designed to help particular groups to achieve an equal place in the community. Further detail of programmes to combat discrimination in access to employment, as provided for in these laws, may be found in New Zealand's periodic reports to the Committee on the Elimination of Racial Discrimination (CERD), and the Committee on the Elimination of Discrimination against Women (CEDAW).

47. Under the personnel provisions of the State Sector Act 1988, heads of Government departments are required to fulfil the terms of being a good employer. This includes recognition of the aims and aspirations of the Maori people, the employment requirements of the Maori people, and the need for greater involvement of the Maori people in the Public Service. Sections 56 and 58 of the Act require each head of a department to operate an equal employment opportunities programme. Further detail on these programmes is contained under article 7.

48. Under the Disabled Persons Employment Promotion Act 1960, which is designed to make better provision for the employment of disabled persons, sheltered workshops set up for the employment of disabled persons may be granted exemptions from the terms of industrial awards or agreements, after consultation with relevant unions and national organizations of employers and workers.

49. The Labour Department Act 1954, which provided a statutory framework for many of the department's activities, was repealed in October 1989, following consideration by the Legislative Advisory Committee of the need for special legislation setting up Government departments. In anticipation of the repeal, Cabinet in July 1989 endorsed a directive setting out the general and specific functions of the Labour Department, as detailed in sections of the report below.

50. New Zealand became party to ILO Convention No. 111 on Discrimination in respect of Employment and Occupation (1958) in 1983, and the Convention entered into force on 3 June 1984.

2. Policies and techniques to achieve steady economic, social and cultural development and full and productive employment

51. During the period under review, the New Zealand economy has undergone a series of major changes. In the early 1980s, economic policy was characterized by regulation, subsidization of productive enterprises, import protection and the development of large-scale industrial projects. In recent years the Government's approach to employment promotion has been based on the premise that growth in the number of jobs is better achieved through a responsive and growing economy than through the creation of subsidized jobs. The promotion of economic growth has thus been the primary goal of policy in this area.

52. Policies such as reducing inflation and controlling the balance-of-payments deficit are recognized as having important long-term implications for full employment. While the removal of inefficiencies and subsidies has been a

factor in a sharp increase in unemployment numbers over the past five years, the commitment to maximizing employment opportunities in the changing economic and social climate of the approaching twenty-first century remains of fundamental importance.

53. With major aspects of the economic restructuring completed, the Government in May 1990 announced its commitment to a policy of returning New Zealand to full employment by 1995. Information on the specific measures being adopted to achieve this goal is given in later sections of this article.

54. The Department of Labour has the responsibility to promote full employment and to provide a complete employment service. Information on employment promotion programmes run by the department is set out below. In 1984, a separate portfolio was created for a Minister of Employment, to give a sharper focus to policies in this area, as distinct from the broader Labour portfolio in which they had previously been included.

55. The Ministry of Women's Affairs, established in 1985 to assist the Government to improve the status of women in all spheres of life, provides policy advice on employment issues aimed at eliminating inequality between men and women. A special focus on the disadvantages of Maori women is gained through the work of Te Ohu Whakatupu within the Ministry. The National Advisory Council on the Employment of Women, which includes representatives of employers and unions, was set up in 1967 to advise the Minister on the full range of issues related to the employment of women. As noted above, a significant number of cases investigated by the Human Rights Commission concerned sex-based discrimination. Information on measures to guarantee women's equal right to employment is also contained in the New Zealand report to CEDAW.

56. Unemployment is a particularly acute problem for Maori. Information on employment and training schemes to address the problem is contained in later sections. A number of other developments have important employment implications for Maori people over the longer term. For example, the adoption of the Maori Fisheries Act 1990 represented an important step towards stronger economic development for the Maori people. The Act allows for the transfer of 10 per cent of fishing quota over four years to the newly established Maori Fisheries Commission for allocation, and the recognition of the taiapure (local fisheries). Its main objectives are to make better provision for Maori fishing rights secured under the Treaty of Waitangi and to facilitate the entry of Maoris into commercial fishing.

57. Originally known as the Maori Enterprises Development Scheme, the MANA Enterprises Scheme assists Maori individuals, organizations and communities to create long-term employment opportunities through the development of viable, unsubsidized Maori enterprises: grants, loans and loan guarantees are available for enterprises which aim to strengthen the Maori economic base. MANA Enterprises is administered by Te Tira Ahu Iwi (the Iwi Transition Agency). Funds are distributed through a network of tribal and regional authorities.

58. The Pacific Island Employment Development Scheme aims to strengthen the economic base of New Zealand's Pacific Island community and to improve

employment opportunities for Pacific Island workers by assisting them to develop skills and establish business enterprises. Grants and loans are disbursed by the Pacific Island Employment Development Board.

59. Reference may also be made to New Zealand reports to Committee on the Elimination of Racial Discrimination for detail on other programmes to promote Maori and Pacific Islanders' economic development.

60. The Community Employment Development Unit was established in 1990 to assist local communities with economic renewal strategies. Techniques include a series of programmes aimed at enabling communities to develop their local economic strengths with a view to creating jobs and strengthening local services. The Unit provides small amounts of seed money for projects, but its main focus is to provide skills and administrative back up for community initiatives.

61. The Ministry of Commerce administers the Regional Development Investigation Grant, which helps people or businesses throughout New Zealand to investigate new business ideas. Under this scheme, assistance may be given with the costs of investigating the technical and commercial aspects of a new project. Up to 50 per cent of approved investigation costs may be paid, up to a maximum of $50,000 per project.

3. Organization of the labour market, manpower planning procedures, the collection and analysis of employment statistics and the organization of an employment service

Organization of the labour market

62. Optimal organization of the employment market has grown in importance during the period under review. The Department of Labour has the broad mission to facilitate improvements in efficiency, effectiveness and equity in the labour market. Its general functions are prescribed by the Government as:

(a) Promoting a fair labour market;

(b) Promoting a state of labour relations favourable to a fair labour market;

(c) Advising, assisting and informing the Government and the public about the labour market.

Collection and analysis of employment statistics

63. In New Zealand there are a number of statistical surveys or administrative systems which collect information on employment and/or unemployment. The main ones, conducted by the Department of Statistics, are the Quarterly Household Labour Force Survey, the five-yearly Census of Population and Dwellings, the Quarterly Employment Survey (conducted by the Department of Labour until 1989), and the annual Business Directory Update; as well as the Department of Labour's Jobseeker Register. These collections refer to different populations and employ different survey frames. This can sometimes result in different findings between one survey and another.

64. The Household Labour Force Survey was launched in 1985, based on a sample of about 12,000 households. In April 1990, the sample was doubled to 24,000 households per quarter, and the survey was enhanced to produce monthly statistics on the unemployment rate, as well as quarterly statistics on regional unemployment. Following ILO guidelines, the Household Labour Force Survey (and the 1986 Census) count part-time workers, whereas previous methods of defining the labour force had excluded them. The definition of part-time is "less than 30 hours per week". Both methods also count in the labour force all those who work for one hour or more for pay or profit. The Household Labour Force Survey provides an internationally recognized measure of unemployment in New Zealand. It counts as unemployed only those persons who were available to start work in the previous week, and had actively sought work in the past month, or were already waiting to start a job within the following four weeks.

65. The Quarterly Employment Survey was begun in 1980 by the Department of Labour and has since 1989 been conducted by the Department of Statistics. The survey is designed to determine the number of jobs in various industries on the basis of employers' responses to inquiries.

66. The focus of the Department of Labour's Jobseeker Register is as a client register, for those using the services of the New Zealand Employment Service (see below). Publication of the Register was discontinued in April 1990. The Department of Labour produces other labour force related statistics on matters such as the number of job vacancies reported to it.

67. The five-yearly Census of Population and Dwellings has the broadest definition of unemployment, counting everyone aged 15 years who said they were unemployed and seeking full or part-time work in the previous four weeks.

68. In 1989 the Statistics Department published the report of the Review Committee on Labour and Employment Statistics. The Committee examined the differences between the various systems for collecting data on employed and unemployed in New Zealand. They agreed that the Household Labour Force Survey should continue to be promoted as a rigorous and reliable internationally comparable measure of unemployment in New Zealand.

69. The Department of Statistics and the Ministry of Women's Affairs are currently examining possible ways of extending the national accounts to include measurement of the production and reproduction that occurs in the household through unpaid work. The Departments plan to introduce a pilot time-use study before the end of 1990, on the basis of which it is proposed to conduct a national survey in 1991. The results will assist in the measurement of the amount of unpaid work done in the home and community.

Employment Service

70. The Department of Labour provides a free public employment service (the New Zealand Employment Service or NZES), which focuses on improving the match between jobseekers and employers, and on placing jobseekers into work with the least possible delay. Special attention is given to assisting disadvantaged groups or individual jobseekers into employment. Until 1988, the Service also had responsibility for vocational guidance services, which are in the process

of being transferred to the Ministry of Education. (Further details on vocational guidance is contained in later sections). The Service provides a vacancy listing and jobseeker referral system to employers, maintains a register of unemployed, and provides occupational and job vacancy information as well as referral and placement assistance to jobseekers.

71. The NZES is represented by a General Manager's Office and six area offices throughout the country. These areas are further divided into over 70 full-time employment centres, with a further 65 operating part-time or seasonally. The number of employment centres is kept under review, taking account of the geographic distribution of jobseekers in the national labour market.

72. Responsibility for the operation of centres lies with Area General Managers in tune with the needs of the local labour market, to ensure maximum resource efficiency. The NZES has achieved an increasingly successful placement rate over recent years. Approximately 74 per cent of the vacancies notified to the Service for 1988/89 were filled, compared to 66 per cent for the two preceding years, and in 1989/90 targets were again exceeded with 70,000 placements (compared to a target of 68,000).

4. Technical and vocational guidance and training programmes

73. The administration of technical and vocational guidance and training programmes in New Zealand is in the midst of restructuring which will result in a new emphasis on the broader educational nature of these activities, as compared with the more specifically job-related focus of the past. For further background to the rationale for New Zealand's education reforms, reference should also be made to article 13 (Right to Education). The following section first describes the main features of arrangements in place up to the time of writing, before discussing the new structures which are in the process of being established.

Present situation

74. Responsibility for most programmes in this area currently rests with the Training Support Service of the Department of Labour. The Training Support Service has the overall goal of enhancing links between the education sector and the labour market, especially in:

(a) Helping disadvantaged people gain access to training; and

(b) Helping people gain the skills that will assist them to make their way in the labour market.

75. The three main branches of the Service's programme are ACCESS operations, Apprenticeship Support and the Career Education Service.

ACCESS

76. The principal training programme of the New Zealand Government is the ACCESS Scheme. The ACCESS Training Scheme Act 1988 established Regional Employment and ACCESS Councils (REACs), made up of representatives from

employer, union and community groups, to oversee employment and labour market skills training at local level. ACCESS uses a broad spectrum of individuals and organizations as training providers alongside the mainstream teaching institutions. Decisions about ACCESS training are made by the 21 REACs, each accountable directly to the Minister of Employment and serviced by the Department of Labour. The REAC Charter sets out the Government's objectives for each REAC and the rules and guidelines which govern its operations.

77. The Training Benefit is paid to ACCESS trainees through the Department of Social Welfare. Rates are as follows (1990): for single people (20 years and over), $143.57; single (16 and 17 years), $86.14; single (18 and 19 years), $114.86; and for a married couple, $223.22.

78. ACCESS courses are open to any New Zealand citizen or permanent resident seeking full-time employment who is not working more than 15 hours per week. Special exemption may be given to under 15-year-olds to leave school in order to attend an ACCESS course in some cases. Where appropriate, ACCESS courses may be run in prisons (but prisoners are not eligible for training allowances).

79. The Maori ACCESS programme was introduced in 1987, along similar lines to the main scheme. To date the scheme has trained nearly 7,000 people, of whom more than 55 per cent have moved either into the workforce or into higher levels of training. In July 1989, 3,019 trainees were employed on schemes under this programme.

80. The purpose of ACCESS is to assist people who are at a disadvantage in the labour market to acquire skills that will increase their chances of employment. Included in this category are women entering non-traditional training and Maori and Pacific Island people.

81. As a means of achieving this aim, funding is provided according to a targeted system. Targeting factors have been identified as indicators of labour market disadvantage for individual trainees. Ten targeting factors are listed in the REAC Charter. Prospective trainees within the target group include, for instance, those who have no formal school qualifications or less than three years at secondary school; those with a literacy or language problem; women training in a non-traditional occupation; or those registered as unemployed for periods above four weeks.

82. REACs also encourage participation from Maori and Pacific Island training providers as a further means of attracting trainees from these groups. The REAC Charter makes provision for flexibility and cultural sensitivity in dealings with Maori and Pacific Island people. The Maori Perspective Unit and the Pacific Island Advisory Unit in the Department of Labour also assist REACs to avoid cultural misunderstandings which might reduce the effectiveness of ACCESS training initiatives.

83. The budget allocation for ACCESS training in the 1988/89 financial year was $254.99 million. The money was used to finance a total of 63,442 training places. A large majority (85 per cent) succeeded in achieving the objectives of the course, i.e. they significantly enhanced their work readiness.

Apprenticeships

84. One of the chief purposes of the Apprenticeship Act 1983 is to maximize the number of apprenticeship contracts entered into and successfully completed. The Department of Labour operates an Apprenticeship Group with 18 local offices working in association with local level apprenticeship committees. At the national level, 36 New Zealand Apprenticeship Committees establish terms and conditions of apprenticeship contracts and training programmes designed to meet the skill needs of industry in the best way. In the 1988/89 year, 5,611 new apprenticeship contracts were entered into, including 225 for women entering non-traditional trades.

85. The Labour Department's Apprenticeship Group assists apprentices whose continued employment is threatened as a result of retrenchment and business closures, by arranging transfers to other employers or alternative continuity of training.

86. Apprenticeship training accounts for a significant proportion of the work of polytechnics. Examination prescriptions are set by the New Zealand Trades Certification Board which conducts assessments and examinations during apprenticeship, and usually an advanced trade certificate examination to be taken near the end of the apprenticeship.

87. Apprentices in almost all trades must spend at least three years in part-time vocational study. However, the long established pattern where apprentices attend evening theory classes and short block or day release courses for practical training is changing. The apprenticeship system is moving towards a system of competency-based assessments of skill.

88. In addition to the national trade and technician courses, polytechnics teach a large number of courses such as national certificate, national diploma and polytechnic diploma courses. These have been developed nationally to meet the separate vocational needs in areas such as business studies, electronic data processing, journalism and industrial and commercial design. Polytechnics also teach separate examination syllabuses for independent organizations such as the New Zealand Society of Accountants, New Zealand Institute of Management, and the Real Estate Institute of New Zealand. A wide range of courses have also been organized regionally to meet local demands.

89. The New Zealand Technical Correspondence Institute (TCI) was established in 1946 and provides instruction in many subjects not available elsewhere, and also teaches most subjects taught by other polytechnics. Entry to the polytechnic is open.

90. This is the largest distance education institute in New Zealand, with a roll of over 36,000 students and 500 full-time staff members. Over 900 subjects are available from hairdressing, plumbing and agriculture to airline pilots' licences and the National Diploma in Accountancy. Almost 20 per cent of all apprentices who sit the Trades Certification Board examinations study with the TCI. The remainder of its students enrol for a wide variety of professional and industrial qualifications. These include Advanced Vocational Awards examinations in engineering, building, commerce and sciences.

Career Education Service

91. Acting as a consultant to educational institutions and groups, the Labour Department also operates a Career Education Service to help promote, develop and maintain a high quality transition education, vocational guidance and counselling service for students. Programmes include the training of career advisers in secondary schools, and the development of teaching modules, networking with community groups, maintaining career information systems, and advising District Advisory Committees on Transition Education.

92. The Vocational Training Council Act 1982 remains in force, though in practice its functions have been transferred to other bodies as part of the general reforms in this area. The responsibilities of the Council included advice on training; support to industry training boards (including the disbursement of industry training grants); training needs analysis and consultancy training services to industry. A number of these functions will now be transferred to the National Education Qualifications Agency (NEQA), and the Education and Training Support Agency, two new agencies which are described in more detail below.

Current reforms

93. Reforms being undertaken in this area fulfil part of the purpose of the comprehensive reform of New Zealand's education system, which is discussed in more detail under article 13. Briefly, it has become necessary to bring the development and training of New Zealand's workforce for the future into line with the realities of an economy which has since the 1970s undergone dramatic changes. The economy of the 1950s and 1960s was able to provide full employment in New Zealand, including a large sector of unskilled labour. Changes in international trading relationships, new technology, and economic recession have put an end to that situation. New Zealand has had to come to terms with large numbers of job losses while undergoing essential economic restructuring, and to realize that a prerequisite for rebuilding full employment is to raise the level of skills and training of the workforce, particularly among young people.

94. Recognizing that a fragmented administrative structure has in the past impeded the consistent development and effectiveness of labour market training, the Government in its new Learning for Life programme (for which legislation is currently before Parliament in the Education Amendment Bill) is placing policy development in these and all other areas of post compulsory education and training under the aegis of the Ministry of Education. This is aimed at enhancing the Government's ability to plan and respond to developments in education and training. In addition to its responsibilities for universities, polytechnics, colleges of education, and non-formal education and training, the Ministry of Education will from mid-1990 oversee policy in the ACCESS programme, the apprenticeship system, and on-the-job training. To maintain the necessary focus on labour market issues in policy development, the Ministry's Policy Division will include a labour market policy unit.

95. As a matter of principle, the Government has stated that distinctions between education and training should be avoided. Thus education at a university, training at a polytechnic, on-the-job training in the workplace, and non-formal education at a rural location are seen to have equal value in their personal, social and economic worth.

96. As with other aspects of education reforms, equity goals and ensuring maximum accessibility of programmes to all are central to policies in the vocational training area. Legislation has been framed accordingly.

New agencies

97. The National Education Qualifications Authority is a new body to coordinate national secondary school educational qualifications, national vocational qualifications and national advanced academic qualifications. It will oversee the setting and regular review of standards and encourage institutions to design courses so that people can more easily move between courses and institutions.

98. Taking over functions hitherto carried out within the Department of Labour, the Education and Training Support Agency will administer and service the apprenticeship and ACCESS systems and work with the Apprenticeship Committees to promote apprenticeship training. It will also support and service Regional Employment and ACCESS Councils in their role of facilitating ACCESS training within their regions. The Agency is to be a free-standing organization working under a special arrangement with the Ministry of Education.

99. Another new agency under the Ministry of Education is the Career Development and Transition Education Service which will provide occupational education and training information; training and consultancy for careers; guidance and transition advisers; and career counselling. It will also operate "Quest", a data base on vocational and careers information. This service will replace the Career Education Service of the Department of Labour.

5. Protection against arbitrary termination of employment

100. Procedures for the termination of employment in the private sector are most commonly registered under the Labour Relations Act 1987, providing for collective negotiated agreements between employers and unions, and the State Sector Act 1988, relating to workers in the public service.

101. New Zealand law operates to redress wrongful dismissals, rather than to restrict and regulate the act of dismissal. Most forms of employment in New Zealand are covered by awards or industrial agreements. (Further detail on this matter is set out in the report under articles 7 and 8.) It is mandatory under section 209 of the Labour Relations Act 1987 for all awards to cover personal grievances. This provision was carried over, with an extended definition of "personal grievance", from the Industrial Relations Act 1973. First in the list of definitions of a personal grievance is unjustifiable dismissal. Standard procedure, when the employer and worker are unable to resolve the issue, is to consult the union, obtain written statements from both parties, and set up a Personal Grievance Committee through the Mediation

Service of the Department of Labour. If there is still failure to reach agreement, the matter can be resolved by the Labour Court. The primary remedy for proven unjustifiable dismissal or other personal grievance as provided for in the Act is reinstatement. Although access to the personal grievance procedures is a benefit of union membership and award coverage, non-union workers may under certain circumstances apply directly to the Labour Court for the hearing of a personal grievance.

102. Most awards and industrial agreements contain termination of employment clauses. While recognizing the employer's ultimate right to dismiss a person from their employment, such clauses usually set out a minimum number of days' notice to be given to a worker. The period of notice varies but is generally one pay period (typically one week). Employers are required in terms of the Labour Relations Act to provide within 14 days a written statement of the reasons for a dismissal if this is requested by the worker or worker's union.

103. Where the dismissal (or other personal grievance) stems from discrimination on the basis of colour, race, ethnic or national origins, sex, marital status, religious or ethical belief, or union activities, a worker may lodge a complaint under the Human Rights Commission Act 1977 or the Race Relations Act 1971. The Labour Relations Act offers this provision as an alternative to the personal grievance procedures set out above.

104. The Parental Leave and Employment Protection Act 1987 provides protection against sanctions, or dismissal on the grounds of pregnancy or parental leave. Grounds for dismissal from the public service are set out in the individual employment agreements of Government departments, along lines of the regulations that governed such matters under the former Public Service Act (e.g. dismissal for gross misconduct). Grounds for dismissal may also be set out in the contracts of senior public servants and members of the Senior Executive Service.

6. Protection against unemployment

105. As noted under section 3 above, the New Zealand Employment Service of the Department of Labour provides a range of programmes to maximize employment and to assist jobseekers, particularly those who are most disadvantaged in the labour market. The training assistance and vocational guidance programmes described in section 4 also have those goals.

106. In addition, the Social Security Act 1964 provides for income maintenance to unemployed persons. Like other benefits in the social welfare area, the unemployment benefit is financed from general taxation. Unemployment benefits are payable to persons 16 years and over, who are unemployed, are able to work, and who have made reasonable efforts to find work. For those aged between 16 and 20 years who are not in paid employment (whether tertiary students, trainees, or unemployed), the benefit is called the Youth Allowance. From December 1990, the age of eligibility for an unemployment benefit will be raised to 18, as a means of encouraging young people to stay in formal education and training programmes. For the same reason, school-leavers who are unable to find a job must wait six months before receiving the benefit. Further detail on unemployment benefit is provided in the report under article 9 (Right to Social Security).

107. There is no statutory entitlement to redundancy compensation for workers who have been made redundant. Settlements are negotiated with employers by the workers themselves or by a union as each situation arises.

Programmes to assist unemployed jobseekers

108. The Job Opportunities Scheme is the main employment assistance programme. The main option provided under the Scheme is a 6-month partial wage subsidy to employers who employ a jobseeker registered as unemployed for at least 15 weeks. The scheme was revised in 1988 to refocus assistance on the more disadvantaged jobseekers and to make the scheme more flexible and responsive to both jobseekers and employers. The scheme is to be replaced in July 1990 with the Job Plus Scheme. Under the new scheme, Employment Centre staff will be given more discretion in negotiating appropriate subsidy levels for disadvantaged jobseekers.

109. To encourage the mobility of jobseekers, and in recognition of differences in regional unemployment rates, the Department of Social Welfare may pay up to $1,000 to qualified registered unemployed jobseekers to help them investigate job opportunities, housing, schooling and other matters in a new location. A mobility grant of $2,000 is also available to qualifying jobseekers who are moving to take up a confirmed job offer, where a change of accommodation is involved.

110. The Local Employment and Enterprise Development Scheme (LEEDS) is administered by the Department of Labour to assist the operation of Employment Resource Centres or Enterprise Agencies established by communities with the aim of fostering local enterprise initiatives and business skills, particularly among those lacking business experience and the unemployed. Grants of $150,000 payable over three years are available to eligible organizations.

111. The Group Employment Liaison Service works with groups of disadvantaged, socially alienated unemployed people to help them liaise with Government departments to make better use of employment and training programmes. The Department of Labour has established a network of field-workers to provide this service. Most participants are long-term unemployed jobseekers who undertake activity with the Service on a voluntary basis while continuing to receive income assistance through the Department of Social Welfare.

112. RESTART is a pilot programme which provides a subsidy of $346 per worker per week to community organizations, local authorities, educational authorities and Government departments. Projects must be of between 4 and 12 months' duration and cause no displacement of the employer's regular workforce. Eligible participants must be over 20 years of age and have been registered as unemployed for 9 months or more.

113. The New Zealand Conservation Corps has the goal of providing young people with opportunities for personal development and skill acquisition through participation in conservation activities of lasting benefit to the community. The programme is designed for people aged 16 to 23 years who wish to participate voluntarily in conservation-related activities. Participants are paid a training allowance equivalent to that paid to ACCESS trainees.

114. The Ministry of Commerce administers the New Business Investigation Grant (NBIG) scheme as part of its Business Development Programme. NBIG helps registered unemployed people and people who have been made redundant to explore ideas for setting up new businesses. The grant may meet 80 per cent of approved investigation costs for new business proposals, up to a maximum of $20,000 per project.

115. The Department of Internal Affairs funds and operates the Small Cooperative Enterprises Scheme, which provides advisory and financial assistance to disadvantaged people who are unemployed and wish to set up small-scale cooperative businesses. Finance is available in the form of grants and loans for feasibility studies, working capital, equipment and the purchase of specialist skills.

C. Statistical and other information: difficulties affecting the realization of the right to work

116. Tables containing an employment summary for the period 1976-1986, and, separately, for the period March 1987 to March 1990, are included as tables 1 and 2.

117. A disturbing feature of the radical economic restructuring undertaken in New Zealand over the past six years has been a sharp rise in unemployment, to unprecedented levels. The process of deregulation, removal of subsidies and market protection, and public sector reform has inevitably involved a difficult transition in which loss of jobs has been a noticeable feature. Certain sectors, for example manufacturing, construction and, to a lesser extent, forestry and agriculture have been particularly affected in this way.

118. Taking account of the gains made through the reforms, however, in particular, much lower inflation rates, increased productivity and efficiency, and reduced foreign debt levels, New Zealand's economy is now more resilient, and better placed to sustain policies for social and cultural development. Moreover, some job losses in previously inefficient industries will be offset by growth in sectors such as tourism, horticulture, and service industries.

119. In other words, while the short-term consequences of reform have included unacceptably high levels of unemployment, prospects for employment in the longer term are good, on the basis of a stronger, more efficient economy.

120. In addition to the loss of jobs from certain sectors, shortage of skills in others is a constraint to full employment. As in other developed countries, there has been a shift from manufacturing and primary sector jobs to service sector jobs, a shift from manual to non-manual work, and a growth in the use of new technologies, especially information technology. These, and other factors, suggest that many jobs will require higher skill levels. Demographic factors and the current low education levels of the New Zealand workforce also indicate that there will be a need for retraining to meet skill needs in the new environment. Policies to encourage young people to stay at school or seek further training are aimed at reducing the numbers of unskilled jobseekers and raising the level of skills of the labour market over time.

Table 1

Employment summary 1976-1986

	Labour force		Total -	Not in the labour force	Working age population	Labour force participation rate (%)	Unemployment rate (%)
	Employed	Unemployed					
Males							
1976 1/	850 706	14 392	865 098	222 802	1 087 900	79.5	1.7
1981	862 140	34 479	896 619	233 721	1 130 340	79.3	3.8
1986	890 334	48 279	938 613	271 779	1 210 392	77.6	5.1
Females							
1976 1/	395 290	11 945	407 235	706 043	1 113 278	36.6	2.9
1981	525 093	25 773	550 866	615 501	1 166 367	47.2	4.7
1986	609 087	60 915	670 002	587 910	1 257 912	53.3	9.1
Total							
1976 1/	1 245 996	26 337	1 272 333	928 845	2 201 178	57.8	2.1
1981	1 387 230	60 252	1 447 482	849 222	2 296 704	63.0	4.2
1986	1 499 421	109 191	1 608 612	859 689	2 468 301	65.2	6.8

Source: New Zealand Census of Population and Dwellings 1976, 1981, 1986, Department of Statistics.

1/ Persons in the labour force working less than 20 hours a week, and persons looking for less than 20 hours work a week are included in the "Not in the labour force" category for 1976 data.

Table 2

Employment summary March 1987 - March 1990

Males

	Labour force Employed	Labour force Unemployed	Total	Not in the labour force	Working age population	Labour force participation rate	Unemployment rate
	(000)					(%)	(%)
1987	909.3	34.9	944.2	252.4	1 196.6	78.9	3.7
1988	881.2	45.3	926.6	278.6	1 205.2	76.9	4.9
1989	843.2	68.5	911.7	298.4	1 210.1	75.3	7.5
1990	836.6	66.9	903.5	315.9	1 219.4	74.1	7.4
				Females			
1987	648.8	32.1	680.8	568.2	1 249.0	54.5	4.7
1988	647.3	35.5	682.6	575.9	1 258.5	54.2	5.2
1989	622.2	47.8	670.0	595.1	1 265.1	53.0	7.1
1990	634.7	48.8	683.5	592.9	1 276.5	53.5	7.1
				Total			
1987	1 558.1	66.9	1 625.0	820.6	2 445.6	66.4	4.1
1988	1 528.5	80.6	1 609.2	854.5	2 463.7	65.3	5.0
1989	1 465.5	116.3	1 581.7	893.4	2 475.5	63.9	7.4
1990	1 471.3	115.7	1 587.0	908.9	2 495.9	63.6	7.3

Source: Key Statistics, June 1990, Department of Statistics.

121. The burden of unemployment is unevenly spread throughout the country. Those most affected are people under 25, women, Maori and Polynesian people. While the broad purpose of current economic policies is deregulation including greater flexibility in the labour market, policies to tackle the unemployment problem specifically target those most disadvantaged in finding work.

122. The lack of a consistent statistical data base has been a constraint to policy development, to some extent. As noted above, different methodologies tend to give different results. In view of the disproportionately high incidence of unemployment among Maori compared with non-Maori, for instance, there is a need in some areas of planning for data collected on a standardized ethnic basis. The initiation in 1985 of the Quarterly Household Labour Force Survey was an important advance in giving New Zealand a reliable and consistent source of employment and unemployment data, particularly for establishing trends, but has been limited in sample size. From April 1990, the sample size has been doubled to 24,000 households, enabling monthly estimates of the numbers of unemployed, employed, and those not in the workforce to be produced for New Zealand as a whole. Quarterly estimates will also be available for 14 local Government regions.

123. Indications are that the New Zealand employment scene is changing, probably permanently, to include increasing numbers of part-time workers, a more mobile workforce, and more long-term unemployed as a proportion of the register. Assimilating such changes and devising policies to recognize them is a challenge facing the whole society.

II. ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

General

124. One of the objectives of New Zealand's first statutory mechanisms for labour relations, the Industrial Conciliation and Arbitration Act of 1894, was to develop a system for the negotiation of wages and working conditions for the majority of the workforce. Subsequent legislation covering the private sector has tended to follow these objectives.

125. The majority of workers in New Zealand have their wages and conditions set by negotiations, the results of which are bound in awards and agreements within the framework of the Labour Relations Act 1987 and the State Sector Act 1988. Certain other conditions are determined by statute. In some cases, statutes set minimum standards which must be incorporated in awards and agreements.

A. Remuneration

1. Principal laws

126. The principal laws concerned with remuneration include:

(a) The Equal Pay Act 1972;

(b) The Minimum Wage Act 1983;

(c) The Employment Equity Act 1990.

127. The following reports to the ILO have also been made:

(a) 1984: Article 22 report on ILO Conventions No. 26, Minimum Wage-Fixing Machinery, 1928, and No. 99, Minimum Wage-Fixing Machinery (Agriculture), 1951;

(b) 1984: Article 22 report on ILO Convention No. 63, Statistics of Wages and Hours of Work, 1938;

(c) 1985: Article 19 report on ILO recommendation No. 90, Equal Remuneration, 1951;

(d) 1989: Article 22 report on ILO Convention No. 100, Equal Remuneration, 1951.

2. Wage-fixing methods

128. Since 1945, the national adult minimum wage has been determined by Orders in Council. The Minimum Wage Act 1945 (re-enacted in 1983) establishes the floor below which wages for workers cannot generally fall. The Minister of Labour is required under the Act to review minimum rates each year. The Minister also has power to fix minimum rates for workers of any specified age. The Act applies to male and female workers 20 years and over, and mainly protects the relatively small non-unionized sector (e.g., private domestic workers, gardeners). As at 1990, the minimum rate for adult workers is $NZ 235 per week.

129. The early stages of the period under review saw a heightened level of Government intervention in wage fixing, as a response to the economic downturn following the oil shocks of the 1970s. The Remuneration Freeze Regulations 1982 and the Wage Freeze Regulations 1982, which remained in force until late 1984, had the effect of freezing the pay rates of most New Zealanders, although certain exemptions were permitted. Current Government policy is not to intervene in labour relations, including pay fixing.

130. For all intents and purposes, the legally enforceable minimum wage rate for the unionized sector is determined by national awards. Awards have the effect of automatically binding all workers and employers in the industries to which they relate. Under the Industrial Relations Act 1973, which was in force until its repeal by the Labour Relations Act 1987, awards were arrived at by the conciliation and arbitration system. Enforcement of awards was the responsibility of the Department of Labour.

131. Significant reforms of New Zealand's labour relations system through the Labour Relations Act 1987 and the State Sector Act 1988 have included changes to pay fixing methods. The Labour Relations Act 1987, adopted after a two year consultative process, consolidated all previous private sector industrial relations legislation. As part of a broad policy to reduce Government intervention in labour relations including the wage-fixing process, the Act has as one of its aims the encouragement of more effective unions and employer organizations; consequently the wage-fixing process is now held more fully in the hands of unions and employer organizations. Awards and agreements made under the Act either:

(a) Establish minimum wages and conditions for various jobs on a national (or district) basis, through awards; or

(b) Establish minimum wages and conditions for various jobs at the level of the individual enterprise, through agreements.

132. Awards and agreements are enforced by the parties to them, with scope to take penalty actions to the Labour Court, a new Court established under the Act. Other institutions under the 1987 legislation are the Mediation Service, in which mediators have the general function to assist employers and workers to achieve and maintain effective labour relations; and the Arbitration Commission, with jurisdiction inter alia to register awards and agreements, hear and determine disputes of interest, and assist in their settlement.

133. Under the Act, awards or agreements may permit employers, with the consent of the union, to pay less to a worker who cannot earn the minimum rate in the award or agreement. An under-rate payment may be granted only on the application of the worker concerned, and may only continue for six months.

134. Each year workers, unions and employers have the opportunity to renegotiate the wages and conditions in their specific industry or occupation. This process is known as the "wage round". Before each wage round, the Tripartite Wage Conference as provided for in the Labour Relations Act is held to allow representatives from Government, private and public sector unions to meet and exchange information on the economy and Government policies that will affect the wage round. The Labour Relations Act provides (section 128) that the Conference shall also be a forum for consultations about the interests of the low paid, and methods for their protection.

135. Over half a million workers in the private sector have their wages and conditions set by negotiations between unions and employers under the terms of the Labour Relations Act 1987. Outside the unionized sector, mainly in small enterprises, pay rates are fixed on the basis of arrangements made between individual workers and their employers. Statistics are not kept on the numbers or categories of workers whose wages are not set by collective bargaining.

136. The State Sector Act 1988 brought major reforms to State pay fixing, adopting the pay fixing provisions of the Labour Relations Act as the standard. Around 55,000 health sector workers, and 55,000 workers in the Public Service now have their pay determined under the terms of this Act, as well as those in the education sector and in State-owned enterprises, for which accurate statistics are not available at present. The State Owned Enterprises Act 1987, under which some areas of State activity were corporatized, included provision for enterprise bargaining to fix pay rates of their employees. In the Public Service, members of the Senior Executive Service created by the Act are excluded from award coverage under the Labour Relations Act and have their conditions of work including pay rates determined case by case by agreement with the Chief Executive of the Department concerned. The Senior Executive Service is limited to 500 members.

3. Components of remuneration

137. The Labour Relations Act provides primarily for the fixing of minimum rates. Agreements for additional remuneration are not covered in legislation. For example, additional remuneration (penal rates) for overtime (i.e. work over 40 hours per week), shift work, transport, meals, etc., is a matter for negotiation in documents between unions and employers. In certain regions, pay rates for some occupations may be substantially above award rates, reflecting such factors as high demand for labour or higher productivity. Informal house agreements may supplement award rates with extra service pay, merit award schemes, production bonuses, extra holidays, etc. These, too, are not registered or enforceable under the Labour Relations Act.

4. Evolution of levels of remuneration

138. Statistics showing real disposable income indexes and annual changes for full-time earners over the period 1982 to 1989 are included as table 3.

5. Equal Pay

139. In the public sector, provision for equal pay was made under the Government Service Equal Pay Act 1960, until universal application of the principle under the Equal Pay Act 1972, which stipulates that all workers doing the same or similar work must be paid the same. Instruments fixing pay levels may therefore not discriminate on the basis of sex. Though equal pay legislation has been in force for 18 years, there is still a clear difference between the average weekly wages for men and women. As at November 1989, total average weekly earnings for males were $NZ 598.12, compared with $NZ 443.42 per week for females. This is mainly due to women being employed in a narrow range of lower paid occupations. Reference may also be made here to Part 1 of New Zealand's initial report to the Committee on the Elimination of Discrimination against Women.

140. New legislation passed by Parliament in 1990 (the Employment Equity Act 1990) includes provision for any union or employer, or group of 20 women to

request the employment equity office (set up under the legislation) to assess the extent to which there is gender bias evident in the pay rates for that occupation. The assessment makes reference to at least two male occupations, one of which is from within the same or similar enterprise, and one of which must be of broadly similar skill and experience level. Unions are able to use these assessments as a basis for negotiating a pay equity claim within their normal document negotiations. If the parties cannot agree, the pay equity claim is determined by the Arbitration Commission.

Table 3

Real disposable income indexes and annual changes for full-time wage and salary earners by income group 1/ 2/ 3/ December 1982 - December 1989

	Lowest 20 per cent	Middle 20 per cent	Highest 20 per cent	All full-time wage and salary earners
Index numbers				
1982	964	973	1 069	1 008
1983	957	967	1 052	997
1984	924	924	999	953
1985	910	881	942	909
1986	951	943	1 015	970
1987	942	938	1 000	962
1988	957	964	1 090	1 006
1989	939	953	1 078	993
Annual percentage change				
1982	-4.6	-3.3	7.8	0.8
1983	-0.7	-0.6	-1.6	-1.1
1984	-3.4	-4.4	-5.0	-4.4
1985	-1.5	-4.7	-5.7	-4.6
1986	4.5	7.0	7.7	6.7
1987	-0.9	-0.5	-1.5	-0.8
1988	1.6	2.8	9.0	4.6
1989	-1.9	-1.1	-1.1	-1.3

Source: New Zealand yearbook 1985, 1988-89, Department of Statistics; Key statistics June 1990, Department of Statistics.

1/ To calculate these indexes gross incomes are first adjusted for income tax liability and then for inflation as measured by the Consumers Price Index. The series therefore measure quarterly changes in the after-tax purchasing power of gross incomes.

2/ Indexes and percentage changes for the periods June 1985 to March 1987 and June 1987 onwards are calculated on different databases and linked together to form a continuous series. The series continues to be expressed on the base: year ended March 1981 (= 1000). The indexes relate to the mid-point of the quarter.

3/ Persons working 30 or more hours per week for wages and/or salaries, and whose principal source of income is wages and/or salaries.

B. Safe and healthy working conditions

1. Principal laws

141. The principal laws concerned with working conditions include:

(a) The Bush Workers Act 1945;

(b) The Machinery Act 1950;

(c) The Health Act 1956;

(d) The Construction Act 1959;

(e) The Shearers Act 1962;

(f) The Dangerous Goods Act 1974;

(g) The Agricultural Workers Act 1977;

(h) The Factories and Commercial Premises Act 1981;

(i) The Accident Compensation Act 1982;

(j) The Regulations made under the above Acts.

142. The following reports to the ILO have also been:

(a) 1984: Article 19 Reports on ILO Convention No. 129, Labour Inspection (Agriculture) 1969; recommendations No. 81, Labour Inspection 1947; No. 82, Labour Inspection (Mining and Transport) 1947; and No. 133, Labour Inspection (Agriculture) 1969.

2. Arrangements and procedures

143. Following a proposal from the Advisory Council for Occupational Health and Safety (ACOSH), the legislative and administrative framework for occupational health and safety in New Zealand has recently been reviewed. One outcome of the review has been the replacement of the Committee itself by a new mechanism, for which legislation has been prepared. Until its disestablishment in 1990, ACOSH comprised four members from the Council of Trade Unions, two from the Employers' Federation, one from the Manufacturers' Federation, and one from the State Services Commission. The Council was serviced by the Department of Labour, and met to develop policies for improving safety and health in the work environment. The new Commission replacing the Council has three members from the Council of Trade Unions, three from the Employers' Federation, and one from the Department of Labour.

144. Enforcement of workplace safety and health laws is carried out by the Occupational Safety and Health Service of the Department of Labour. The Service has four safety inspectorates (factories, bush inspectors, construction safety inspectors, explosives and dangerous goods inspectors) operating from five area offices and seventeen branch offices. Inspectors carry out monitoring and also audit employers' responsibilities to ensure a

safe working environment. If there are health aspects, assistance is sought from the local Area Health Board. The Service is also involved in the development and revision of individual Codes of Practice setting out performance standards for industry. For example, during 1988, Codes were issued covering the safe use of isocyanates, static storage tanks, and forest establishment and silviculture.

145. Under the Factories and Commercial Premises Act 1981, all factories must be registered annually with the Department of Labour. A fee is payable, determined by the number working in the factory. All commercial premises are inspected, including factories, shops, hotels, restaurants, stores, warehouses, farms, orchards and Government workshops. Priority is given to industries with known safety and health hazards and/or poor accident records. Factory inspectors spend much of their time promoting safety and advising employers and workers on aspects of health, safety and welfare. The Service also encourages employers to set up joint employer and worker health and safety committees in workplaces.

146. High risk industries are inspected at least annually. The remaining factories, shops and other units are inspected less frequently, but at least every five years. Factory inspectors can order changes to unsafe plant or processes and if the safety of individuals is threatened, can require immediate remedial action. Where breaches of safety legislation occur, by either employers or employees, remedial action is requested in writing and failure to comply can mean prosecution. All industrial accidents which result in a person being off work for more than 48 hours must be reported to the Department of Labour and serious accidents investigated by an inspector.

147. Under the Accident Compensation Act 1982, (which is discussed primarily under articles 9 and 12 later in this report), the Accident Compensation Corporation is directed as a matter of prime importance to take an active and coordinating role in the promotion of safety in all the different areas where accidents can occur in New Zealand (Part III, sections 35 ff).

148. During 1988, the Department of Labour established a periodical devoted to safety and health, "Safeguard", with a circulation of 17,000 copies to employers, workers and their organizations. This has been well received.

149. The Council of Trade Unions (about which further detail is given in the report under article 8) operates a wide range of programmes for safety promotion and education, including some in conjunction with the Trade Union Education Authority, TUEA (a statutory organization under the Union Representatives Education Leave Act 1986, also described in more detail under article 8).

3. Workers not covered by legislation

150. Some areas of work are not covered by the above legislation. These are primarily government departments and non-factory workplaces. Legislation in preparation to implement the recent reform of occupational safety and health procedures will place a clear responsibility on all employers to provide safe and healthy workplaces.

151. In some cases, difficulties in recruiting suitably qualified staff, and details in the consultation process with industry, have impeded progress by the Department of Labour in developing Codes of Practice. For example in 1988, the Department reported a problem recruiting a qualified noise scientist and noted the lack of a suitable New Zealand standard for the measurement of industrial noise.

4. Statistical data

152. Tables 4 and 5 contain data on selected sites of fatal non-transport work-related accidents over the period 1977-1986, and on occupational health diseases for the year ended 31 December 1986 (latest available).

Table 4

Selected sites of fatal non-transport work-related accidents 1977-1986

	Site		
Year	Farm	Mine and quarry	Industrial places and premises
1977	36	5	36
1978	29	7	40
1979	25	3	25
1980	30	7	23
1981	33	4	18
1982	29	3	23
1983	20	1	22
1984	26	4	24
1985	25	7	36
1986	25	6	26
1987	18	-	16

Table 5

Occupational health diseases for the year ending 31 December 1986

Notification of diseases arising from occupation

		M	F	Total
1.	Skin diseases due to -			
	Mineral oils	1		1
	Grease	1		1
	Organic solvents	1		1
	Cement			
	Chrome			
	Resins and Chemicals used in the manufacture of plastics			
	Hairdressing chemicals			
	Other Chemicals	7		7
	Natural products - wool, tobacco, etc.	19		19
	SUB TOTAL	29		29
2.	Diseases due to dusts, fumes gases vapours, or mist -			
	Lead poisoning	4		4
	Metal fume fever	2		2
	Organochlorine insecticide poisoning			
	Organophosphorus insecticide poisoning	5		5
	Poisoning by other agricultural chemicals			
	Poisoning by fumigants	2		2
	Poisoning by other lung irritants	2		2
	Poisoning by other cases	2		2
	Poisoning by organic solvents			
	Any other respiratory diseases	10		10
	Asbestosis	2	1	3
	Any other condition caused by the above agents other than respiratory	4		4
	SUB TOTAL	33	1	34
3.	Disease due to physical agents -			
	Eye conditions not due to accident	2		2
	Hearing loss	573	2	573
	SUB TOTAL	575	2	577
4.	Permanent damage to vision due to accident	Nil		Nil
5.	Diseases due to infectious agents -			
	Leptospirosis	44		44
	Undulant fever (brucellosis)	5		5
	ORF	40		40
	SUB TOTAL	89		89
	TOTAL	726	3	729

Sources of notification -	No.	%
Medical Practitioners (private)	352	48.42
Medical Practitioners (hospital)	22	3.02
Hospital Laboratory		
Private Laboratory	1	0.14
Medical Officer of Health	243	33.33
Department of Labour	2	0.27
Other	109	14.82
TOTAL NOTIFICATIONS	729	100.00

C. Equal opportunity for promotion

1. Principal laws

153. The principal laws concerned with equal opportunity for promotion include:

(a) The Human Rights Commission Act 1977;

(b) The Labour Relations Act 1987;

(c) The State Sector Act 1988.

154. The following report to the ILO has been made:

(a) 1985: Article 22 report on ILO Convention No. 111, Discrimination (Employment and Occupation), 1958.

155. As noted in the report under article 6, the Labour Relations Act 1987 extended the definition of a personal grievance beyond that contained in the Industrial Relations Act 1973 to include detrimental actions such as sexual harassment, duress and discrimination. The Act requires all awards and agreements to contain effective procedures for the settlement of personal grievances. Section 211 of the Act includes in the definition of the term "discrimination" any situation where an employer refuses to offer the same opportunities for promotion as for other similarly qualified workers, on grounds of colour, race, ethnic or national origins, sex, marital status, religious or ethical belief, or involvement in union activities.

156. These provisions are also applicable to the public sector under the State Sector Act 1988 (sections 96 and 97). In addition, the term "good employer" as required of heads of Department under the State Sector Act includes a requirement to operate an equal opportunities programme. This is defined in the Act as a programme aimed at the identification and elimination of all aspects of policies, procedures, and other institutional barriers that cause or perpetuate inequality in respect to the employment of any person or group of persons.

Decisions designed to further and safeguard this right: Equal Opportunities Tribunal, Proceedings Commissioner vs Air New Zealand

157. In a landmark decision of December 1988, the Equal Opportunities Tribunal supported the case alleging sex discrimination brought by the Proceedings Commissioner on behalf of 17 senior female cabin crew against Air New Zealand. The women claimed that for the preceding 13 years, they had been significantly disadvantaged in Air New Zealand's promotional and pay structures. Their salaries, responsibilities and perquisites had been less than those of their male counterparts. During this period, the requests of the complainants for real promotion, made to both their employer, Air New Zealand, and to their union, the Airline Stewards' and Hostesses' Union, had been ignored or rejected.

158. In supporting the case, the Tribunal declared that the women had been denied equal promotional opportunity, and ordered the company to realign them in the seniority ranks to positions alongside their male counterparts. The Tribunal also declared that the women had not been offered the same superannuation rights and entitlements as their male counterparts. The complainants' claim covered loss of salary, overtime and pay increments, loss of superannuation rights, humiliation and injury to feelings, legal expenses, loss of opportunity to take voluntary severance and loss of benefits such as annual leave allocation. The Tribunal did not rule on the claims for damages, as the amount sought was higher than that which it can award. However, in April 1990, the case for damages was settled out of court with a cash payment to the women. The amount of the settlement payment was confidential.

2. Principal arrangements and procedures

159. The notion of equal employment opportunities, including opportunities for promotion, has become well established in the public sector, based on steps taken even before the entry into force of the State Sector Act. An Equal Employment Opportunities (EEO) Unit was established in the State Services Commission in 1986 to assist departments in setting up their own EEO programmes. In 1989 the Commission provided guidelines to the Chief Executive Officers of Departments to assist them, as "good employers", in the development of EEO policies and programmes. The Commission also monitors the activities of Departments in this area.

160. Under the State Sector Act, the State Services Commission retains the function of advising and assisting each department with the training and career development of staff. The Commission has particular responsibility for middle and senior management programmes. Recent examples of courses to assist state servants in their changing roles have covered career planning, organizational skills, strategic planning, managing media relations, and consultancy skills.

161. The Commission also provides courses in bicultural development, career development for Maori women, financial management, negotiation, supervisory and writing skills. Some courses are specially arranged for disabled staff.

162. Increasing numbers of employers in the private sector now dedicate resources to EEO-type training programmes. Guidelines have been drawn up by the Ministry of Women's Affairs on extending job opportunities for women. The

Ministry has also convened seminars for employers on these matters. The Human Rights Commission has also conducted a major inquiry into the situation of women in banking.

163. Under new employment equity legislation referred to in section A.5 above, (paras. 139-140) the planning of equal employment opportunities will eventually be mandatory in workplaces of over 50 workers, thus ensuring that all significant employers establish equal opportunity programmes. The requirements will be based on those already laid down in the State Sector Act and will be phased in over three years. Designated groups for which the EEO provision will apply include women, Maori people, people with disabilities, Pacific Island people and other ethnic minorities.

3. Factors and difficulties

164. The main difficulty in this area is that caused by entrenched attitudes and traditional expectations about those hitherto restricted to a narrow range of occupations and rarely seen in management roles. There appears to be growing awareness of the unacceptability of management positions being filled by only a narrow range of people. With greater numbers of role models from under-represented groups now appearing in senior positions, attitudes appear to be changing somewhat.

D. Rest, leisure, limitation of working hours and holidays with pay

1. Principal laws

165. The principal laws include:

(a) The Shop Trading Act 1977;

(b) The Holidays Act 1981;

(c) The Labour Relations Act 1987;

(d) The State Sector Act 1988.

166. The following reports to the ILO have been made:

(a) 1983: Article 19 reports on ILO Conventions No. 106 and recommendations No. 103, Weekly Rest (Commerce and Offices), 1957; and No. 116, Reduction of Hours of Work, 1962;

(b) 1983: Article 19 report on ILO Convention No. 132, Holidays with Pay (Revised), 1970;

(c) 1984: Article 22 reports on ILO Conventions No. 1, Hours of Work (Industry), 1919; No.30, Hours of Work (Commerce and Offices) 1930; and No. 47, Forty-Hour Week, 1935.

2. Position in law and practice

167. As noted earlier, the majority of workers in both the private and public sector have their conditions of work set in the awards and agreements negotiated between unions and employers. The principle of the

forty-hour working week is well established in New Zealand, having been legislated for in 1935. Under section 172 of the Labour Relations Act 1987, awards and agreements must provide for a forty-hour, five day (i.e. Monday to Friday) maximum working week exclusive of overtime, and the 1973 Industrial Relations Act which it repealed contained a similar provision. Exemptions to the rule under the Labour Relations Act are where the parties agree, and where the Arbitration Commission decides it would be impracticable to work efficiently with a forty-hour restriction.

168. For work above the forty-hour limit, employers pay penal or overtime rates determined in each award, usually 1-1/2 or double rates.

169. All workers must receive at least 15 working days' (three weeks') paid annual leave, under the terms of the Holidays Act 1981. This leave is not usually available to a new employee until one year's continuous service with the same employer has been completed. Shift workers often qualify for an extra week's leave. One week's extra annual leave is often allowed each year to those workers with a minimum of between five and ten years' completed service. If an employee finishes up before completing a full year's service, he or she is entitled to 6 per cent of their total gross earnings for the period worked. This is holiday pay in lieu of paid annual leave.

170. Employers are required under the Holidays Act to keep holiday books recording the leave entitlements for each individual worker. Labour inspectors may inspect such records to ensure compliance with the Act, and may penalize anyone found in breach, with fines up to $500. Unions may also play a role in this area, under the powers of entry and inspection accorded them under the Labour Relations Act for the enforcement of awards.

171. The Labour Relations Act guarantees workers 11 days' statutory holidays spread throughout the year, for which they must also receive pay.

172. Public servants have their terms of employment set by the State Services Commission exercising functions prescribed under the State Sector Act. Most public servants work a 37-1/2 hour week.

173. Under the Shop Trading Hours Act 1977, shops may open at any time between 7 a.m. and 9 p.m. Mondays to Saturdays inclusive, but are to be closed outside these hours and on Sundays and statutory holidays unless an extension of opening hours has been authorized by the Shop Trading Hours Commission. In 1988, an official review of the Act was authorized by Government, taking account of present-day conditions and the special needs of the tourist industry. Under draft legislation now before Parliament to change shop trading hours, shops will be able to open on Sundays and statutory holidays.

174. Public interest and active media coverage of such matters keep attention focused on possible exploitation of workers by excessive hours of work. For instance, in 1989 a non-governmental so-called "Sweating Commission" investigated the conditions, especially hours of work, of shop workers in various parts of New Zealand. Their concerns at an apparent undermining of long-established protections against excessively long working hours have become part of the debate surrounding the changes to legislation currently before Parliament.

3. Implementation in various sectors

175. The terms of employment of workers in the health sector are governed by awards negotiated with their employers in conformity with the Labour Relations Act. As is the case with the Police Force, where necessary a 24-hour service is achieved by workers being rostered on 8-hour shifts. Under the Police Act 1958, regulations prescribing matters relating to the conditions of service of the Police are made by Order in Council.

176. Under section 46 of the Defence Act, the conditions of employment of servicemen are fixed by the Secretary of Defence. The terms of the Labour Relations Act do not apply to their conditions of service. However, the Secretary of Defence operates under a directive from Cabinet to fulfil the basic requirements of a good employer.

4. Factors and difficulties

177. Provisions for workers in the unionized sector are, broadly speaking, well established and effectively enforced. However, problems are known to exist in the relatively small (but perhaps growing) informal sector, especially where unauthorized immigrant workers are concerned.

178. In March 1990 the New Zealand Human Rights Commission issued a "Report on Migrant Workers" in which a number of concerns relating to the treatment of migrant workers were examined, with specific reference to article 7 of the Covenant, and to other international obligations assumed by New Zealand. The report received wide media attention. The Commission had been asked to investigate alleged abuses and exploitation of migrant workers, in particular those undertaking work illegally, i.e. without a work permit or other authorization as required under the Immigration Act 1987. It learnt of several cases where such workers were, for example, being paid below award rates, working excessively long hours without any overtime or penal rates, and penalized for attempting to seek union help.

179. The Commission found that there was sufficient of public importance in the position of these workers to warrant investigation by a formal Commission of Public Inquiry under the Commissions of Inquiry Act 1980. The Commission's report is under consideration.

III. ARTICLE 8: TRADE UNION RIGHTS

A. Principal Laws

180. The principal laws concerned with trade union rights include:

(a) The Trade Unions Act 1908;

(b) The Incorporated Societies Act 1908;

(c) The Industrial Relations Act 1973 (until 1987);

(d) The Labour Relations Act 1987;

(e) The State Sector Act 1988;

(f) The Union Representatives Education Act 1986.

181. Reference may also be made to New Zealand's first and second reports to the United Nations Human Rights Committee on implementation of the International Covenant on Civil and Political Rights (art. 22).

182. The Trade Unions Act 1908 was the first statute that provided for the legal recognition and registration of workers' societies. The Act makes it clear that unions are exempt from criminal prosecution for actions taken in restraint of trade and defines a trade union as "any combination, whether temporary or permanent, for regulating the relations between workers and employers, or between workers and workers, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business". Unions continue to be able to be registered under this Act and the Incorporated Societies Act 1908.

183. In practice, however, trade union rights for most New Zealand workers are implemented under the Labour Relations Act 1987, which repealed the Industrial Relations Act 1973 after a two-year consultation process and is regarded as the most significant piece of industrial relations law enacted in New Zealand this century. The Government's objective in the legislation was to encourage the development of more effective union and employer organizations, which can operate independently of legislative support, and can negotiate relevant awards and agreements that will be adhered to.

B. Right to form and join trade unions

184. Every worker in New Zealand has the right to join a trade union. This right is guaranteed under section 60 of the Labour Relations Act, subject to the person's work being within the coverage of the union's membership rule. Over 40 per cent of workers in New Zealand are estimated to belong to unions.

185. The Act provides penalties against anyone attempting to stop a worker from joining a union or a particular union (sect. 72). In addition, the Human Rights Commission Act 1977 makes it unlawful for any industrial union or professional trade association, whether registered or not, to deprive a person of membership or suspend their membership by reason of colour, race, ethnic or national origins, sex, marital status or religious or ethical belief.

186. It may be noted that the Labour Relations Act also provides penalties where undue pressure is placed on a worker to join a union; and grounds for a personal grievance include duress in relation to membership or non-membership of a union. Union members have access to the personal grievance procedures whether or not they are covered by an award or agreement.

187. New Zealand's industrial legislation has provided for some form of preference for union members since 1936, usually by the inclusion of an "unqualified preference" provision in awards and agreements. The only significant break in this system was during 1984, when amendments to the Industrial Relations Act prohibited any form of preference for any worker based on consideration of their membership or non-membership of a union. Sections of the law giving effect to compulsory unionism were repealed. These arrangements were themselves overturned in 1985, with the enactment of legislation to return to a system broadly based on the previous "unqualified preference" provisions, i.e. by the inclusion of a "union membership" clause.

188. Similar provisions were carried over into the Labour Relations Act (Part III), which provides for a registered union to negotiate the inclusion of a union membership clause in an award or agreement. Such clauses require that all adult workers (or workers paid adult rates) who are bound by the award or agreement should become members of the union. A union membership clause can be inserted into the document if the parties agree to it, or if not, the union can hold a ballot of all the workers concerned to determine whether the clause should be inserted. The provision allows the majority of workers covered by the document to choose whether they wish all workers covered by it to belong to the union. Most current awards and agreements have union membership clauses.

189. Union membership is voluntary for apprentices, workers under 18 years of age unless they are earning the adult rate, and for workers earning above a "salary bar", i.e. above the level covered by the relevant award or agreement.

190. Exemption from union membership is possible even if the union concerned has a membership clause in its rules. A worker who does not wish to join or belong to a union may apply to the Union Membership Exemption Tribunal for certificate of exemption. The Tribunal approves exemptions only if it is satisfied that the applicant genuinely objects to being a member of a union on grounds of conscience or other deeply held personal belief. Once granted, the exemption is valid for life unless revoked by the Tribunal. Under section 71 of the Labour Relations Act, an employer may dismiss a worker who has refused to comply with a union membership clause if the worker has not obtained a specific exemption.

191. A union may expel a member who fails to pay fees or levies properly established by the union, and for other reasonable causes set out in the union's rules (as provided for under the Labour Relations Act).

192. The position regarding formation of unions is that a group of workers can obtain registration as a new union under the Labour Relations Act, provided it has the minimum 1,000 members required, and provided none of these members are already bound by existing awards or agreements. (This protects the position of existing registered unions which have negotiated awards and agreements for the workers they cover. It does not protect a registered union's coverage of workers who have no award or agreement, against unregistered groups.)

193. The 1,000 member minimum required under the Labour Relations Act for the registration of new unions was a significant change from the terms of the Industrial Relations Act, under which a minimum of only 10 workers had been required. The purpose of this change was to improve the effectiveness of workers' representation in the industrial relations system by promoting larger, better resourced unions; it led to significant amalgamation and rationalization among New Zealand unions. The Act permits provisional registration of those groups of workers that do not immediately have 1,000 members, but which are likely to reach that number within two years, and which meet the other requirements for registration.

194. As an alternative to these provisions of the Labour Relations Act, the Trade Union Act 1908 still provides for groups of only seven or more members of a trade union to register that body with the Registrar of Friendly Societies. The Incorporated Societies Act 1908 provides registration for any group above 15 members. In both cases, however, such registration does not give corporate identity, and all property has to be vested in trustees in the name of the union. Only a handful of organizations are registered under these Acts.

C. Right of trade unions to federate

195. There are no restrictions on New Zealand trade unions to federate, at the national or international level. Section 28 of the Labour Relations Act provides for any body, however designated, which represents at least two unions (or at least two employers' organizations) to be registered as an association of unions (or of employers' organizations). All the provisions of the Act relating to individual unions or employers' organizations apply similarly to associations of those bodies.

196. Nineteen hundred and eighty-seven saw the establishment of a single national trade union federation, the New Zealand Council of Trade Unions, which unites for the first time the majority of private and State sector unions. Previously two separate organizations, the Federation of Labour and the Combined State Unions, existed to represent the two sectors. The NZCTU represents and coordinates the interests and activities of both. It is the organization which nominates representatives for all tripartite forums. The Council's membership in 1990 stands at 474,000.

D. Right of trade unions to function freely

197. Registration is not compulsory, and non-registered unions are free to determine their own arrangements, provided they are lawful. However, the benefits of registration are so self-evident that the number of non-registered unions in New Zealand is negligible. As set out in section 7 of the Labour Relations Act, registration gives a union exclusive coverage of the workers covered by the union's membership rule, exclusive rights to negotiate on behalf of those workers, the ability to negotiate awards that have effect beyond the original parties to them, and that are enforceable as well as access to the various State-funded procedures for mediation, conciliation and dispute resolution provided in terms of the Act. None of these benefits is available to non-registered unions. Furthermore, the Labour Relations Act removed formal recognition for such groups of workers, effectively obliging them to choose between seeking registration or operating alone outside the system.

198. Once registered, a union becomes a corporate body and can engage in any lawful activity consistent with the general purpose of promoting or furthering the interests of workers. The Act provides for award or agreement negotiations to cover any matter the parties agree to negotiate on, not restricted to industrial matters. Greater scope now exists for unions to provide other services to their members, such as legal services or holiday homes.

199. Part II (sects. 36-57) of the Labour Relations Act recognizes the right of unions (and employers' organizations) to determine their own objects and rules, subject only to controls to advance membership participation, democratic operation, and accountable management. The emphasis on internal democracy and accountability to members is achieved through provisions demanding democratic rules, ballots of membership for rule changes, and election for a set term of all officers with decision-making powers. The rules of a registered union must provide for the election and removal of the management committee of the union and of its officers, and a procedure for the calling of general or special meetings. Two paid two-hour meetings for union business are allowed in a year. Statutory procedure is available for disputing the results of elections.

200. Such restrictions are applied only in the interests of guaranteeing public order. The union is obliged to comply with them both at the point of registration and beyond. The requirements arise because of the unique status of a registered union, i.e. its sole rights of representation over the workers it covers, and the fact that workers may be obliged to join the union.

201. The Labour Relations Act removed the longstanding restriction on unions to represent only workers in the same specified industry or related industries. Part IV of the Act provides for union coverage established by registration to be changed as registered unions seek to extend their coverage. Provided its own members agree, a registered union can apply under sections 100-103 of the Act to obtain coverage of workers already covered by another registered union (or unions). The Registrar of Unions must then ballot the workers in question on a union-by-union basis. If a majority of workers in each and every ballot held by the Registrar prefer to be covered by the union making the application rather than by their current union, the membership rules of the unions concerned change accordingly.

202. The enforcement of awards and agreements is provided for through the right of the parties to take penalty actions before the Labour Court. Most of the powers relating to enforcement of awards and agreements which were held by factory inspectors of the Department of Labour under the Industrial Relations Act were transferred to unions themselves under the Labour Relations Act. To facilitate effective operation, unions have the right to enter employers' premises on union business. Section 196 of the Act sets out in more detail the circumstances in which union officials may exercise this right.

203. Under the Industrial Relations Act 1973, the Minister of Labour had the power to de-register a union if satisfied that a strike was likely to cause serious loss or inconvenience. This provision was repealed under the Labour Relations Act, marking an advance in the effective implementation of trade union rights (though it should be noted that the power had been used only very infrequently).

E. Right to strike

204. Section 230 of the Labour Relations Act recognizes, for the first time in New Zealand law, the right of workers to strike (and the right of employers to lock out), subject to constraints. Workers may lawfully strike in circumstances set out in section 233 of the Act. In general, New Zealand law restricts the freedom to strike so as to minimize industrial action and its effect on industry and the availability of goods and services. Strikes are unlawful over any issues for which the Act provides procedures for final determination. Such issues are listed in section 234 of the Act and include disputes of rights, personal grievances, demarcation issues, disputes of interest (except where the award or agreement concerned is within 60 days of expiry), and strikes that contravene an order of the Labour Court.

205. Statutory penalties in the event of unlawful industrial action were provided for under the Industrial Relations Act 1973, but these were done away with under the 1987 legislation. The primary remedy is now through a civil action for an interim injunction or damages, or both, under the common law economic torts (namely conspiracy, intimidation, inducement of breach of contract, or interference by unlawful means with trade, business or employment). The Labour Court now has sole jurisdiction to hear civil actions in respect of unlawful strikes. Civil actions in tort are not available in any court in relation to civil strikes.

206. Where normal procedures fail to avert a strike, or seem likely to fail, the Minister of Labour has power to call a conference of the parties involved, or to appoint a committee of inquiry.

207. Special provisions relating to strikes in essential industries are set out in the Act. A statutory period of notice must be given before any strike in one of these industries begins, and the Minister has special powers to resolve such disputes. Even if the intended strike would be lawful under the broad definitions of the Act (if it were not in an essential industry), it is unlawful if these special provisions have not been observed. Essential services are listed in a Schedule to the Act and include electricity supply, water supply, the operation of hospitals, and the operation of welfare institutions or prisons.

F. Restrictions

208. Full freedom of association within the terms of this article is withheld from the armed forces and from the police force, as it is considered that such activities would not be consonant with the disciplines of their duties. It is unlawful for the police or armed forces to strike. In terms of the Police Act 1958, there are two recognized employees' organizations for the negotiation of working conditions only. All other Public Service employees have the same rights of association as private sector workers, since section 67 of the State Sector Act extends the provisions of the Labour Relations Act to them, except as otherwise provided.

G. Factors and difficulties

209. In a climate of rapid economic restructuring, following a period of relatively little change, trade unions like other key interest groups have been under pressure to adapt. In the view of some commentators, the period

of regulatory interventionist policies of the early 1980s, particularly the 1982-1984 wage freeze and the brief abolition of compulsory unionism during 1984-1985, had the effect of significantly restricting union functions.

210. The New Zealand labour relations system had by the mid-1980s become characterized by cumbersome structures limiting trade unions' ability to function effectively. The 1987 legislation went some way to rationalize this system, and improved the ability of unions (and employers) to meet the new responsibilities being placed on them by Government. In particular, the removal of certain inflexible features, notably compulsory arbitration, guaranteed union coverage for a particular category of workers, and limitations on negotiations to industrial matters only, have extended the range of unions' activities and improved all parties' ability to resolve their own disputes.

211. At the same time, the legislation transferred to unions the responsibility for enforcing awards and agreements (away from the Department of Labour) and for enforcing membership clauses (previously the task of employers), and that involves certain costs to the union. The growth in numbers of unemployed during the period under review has also meant falling membership numbers for many unions.

212. It may be noted, with regard to paragraph 3 of article 8 of the Covenant, that New Zealand has not yet ratified ILO Convention No. 87 of 1948 concerning Freedom of Association and Protection of the Right to Organise. The main reason for this lies in the long-established policy, reflected in current legislation, of promoting a strong and stable trade union structure. This is achieved by conferring certain substantial privileges on registered unions which could be regarded as unduly restricting the freedom of an individual to join an organization of their own choosing.

213. Similar reasoning lies behind the New Zealand reservation on article 8, entered at the time of ratification. Although the measures to ensure effective implementation of trade union rights described in the New Zealand report on this article could be seen as permissible in terms of article 8 (1), the Government of New Zealand maintains its existing reservation not to apply article 8 to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that article.

IV. ARTICLE 9: RIGHT TO SOCIAL SECURITY

A. Principal laws

214. The principal laws concerned with the right to social security are:

(a) The Social Security Act 1964;

(b) The Disabled Persons Community Welfare Act 1975;

(c) The Accident Compensation Act 1982;

(d) The Social Welfare (Reciprocity with Australia) Order 1990;

(e) The Social Welfare (Reciprocity with United Kingdom) Order 1990;

(f) The Social Welfare (Transitional Provisions) Act 1990.

B. Main features of the schemes in force

General

215. The development of a comprehensive social security system in New Zealand has been a gradual process throughout the twentieth century. Means-tested old age pensions (1898), widows' pensions (1911), and family allowances (1926) were first steps in providing income support to individuals and families. Widespread poverty during the Depression of the early 1930s demonstrated the inadequacy of existing provisions. The Social Security Act of 1938 put in place a comprehensive system of income support and primary health care for everyone in need, and was a foundation stone of the modern welfare state in New Zealand. Further important developments have been the introduction of universal family benefit (1946), the Accident Compensation Scheme established under legislation of 1972 and 1983, domestic purposes benefit (1973), disability allowance (1974), and national superannuation (1977). Recent developments include additional financial assistance for modest-income families (Family Care 1984/Family Support/Guaranteed Minimum Family Income 1986), and the restructuring of National Superannuation as the Guaranteed Retirement Income in 1990. It should be noted that the structure of benefits and the Accident Compensation Scheme, provided under the Social Security and Accident Compensation Acts, is under general review and further changes will be introduced to take effect in 1991.

216. Unlike social security schemes in most other countries, the New Zealand social security scheme is a non-contributory one. Benefits are financed from general taxation: wage and salary earners are not required to pay regular contributions to a Social Security Fund. The only exception to this is the Accident Compensation Scheme, of which further details are set out below.

217. Cash benefits are paid as of right to those who meet such income, residence and other eligibility criteria as may be applied for each category. There is no discrimination between women and men in the exercise of the right to social security. Details of specific criteria are set out below.

218. Expenditure on social security in New Zealand represents between 12 and 13 per cent of gross domestic product in 1990. In 1975, the figure was 7.1 per cent and in 1965, 6.3 per cent. The increase over the last 10 years has been largely due to national superannuation (the Guaranteed Retirement Income), and there have also been significant increases in expenditure on unemployment and domestic purposes benefits.

219. Sickness, invalids', widows', unemployment, domestic purposes and training benefits are income tested and are adjusted annually on 1 April in line with movement in the Consumer Price Index, but within a wage band. The "net of tax" couple's benefit rate cannot be more than 72.5 per cent or less than 65 per cent of average after tax wages. The basic income exemption is $50 a week ($60 for beneficiaries with children), as at December 1989. Benefits are reduced by 30 cents for $1 a week of income over this amount up to $80, then 70 cents for $1 a week of income thereafter. For invalids, widows and domestic purposes beneficiaries, exemptions are calculated on the basis of annual rather than weekly income.

220. In assessing and calculating benefit applications, heterosexual _de facto_ marriages may be recognized as legal marriages, and married people who have separated and who live apart may be regarded as unmarried.

221. New Zealand has entered agreements with both Australia and the United Kingdom to provide reciprocity in relation to a wide range of benefits. In a recent decision, the Government has agreed to the universal portability of national superannuation at 50 per cent of the gross New Zealand rate, and is to negotiate this on a country by country basis.

222. The Accident Compensation Act 1972 was of major importance in the development of New Zealand's social welfare system. The main objectives of the legislation are:

(a) To promote safety in every walk of life;

(b) To promote the concept of prompt and effective rehabilitation of all people injured by accident;

(c) To provide prompt, fair, and reasonable compensation so that every accident victim will be treated according to his or her needs.

223. Some of the provisions of the Accident Compensation (ACC) legislation are mentioned in the report under article 7.B (Safe and Healthy Working Conditions). Under section (g) below, the applications of the ACC to employment injuries are examined. Further detail is provided in the report under article 12 (Physical and mental health).

Specific schemes

(a) Medical care

224. Part II of the Social Security Act 1964 covers Medical and Hospital Benefits and Other Related Benefits. It is administered by the Department of Health. While further detail of arrangements for the provision of medical care under the New Zealand social security system will be found under

article 12, the basic situation is that medical care is largely publicly funded and provided. The public sector, via area health boards, provides free treatment at hospitals for immediate and major medical needs. Part of the costs of primary medical services (i.e. services outside hospitals) is subsidized by the Government through a variety of patient benefits. Patients usually have to meet the rest of the fee charged, but if the consultation related to an accident, most of the costs may be reimbursed under the ACC. For illness consultations, doctors claim the benefit direct from the Department of Health and charge patients directly for the remainder of their fees. (See also sections (b) and (c) below, concerning cash sickness, and maternity benefits).

(b) Cash sickness benefits

225. Under the Social Security Act, the sickness benefit is payable to anyone over the age of 15 who is incapacitated for work through sickness, or as the result of an accident (pending the acceptance of an ACC claim), with a consequent loss of earnings. Twelve months' continuous residence in New Zealand is required before the benefit can be paid, as well as a medical certificate supporting the application. A benefit is not normally payable for the first seven days of the incapacity, but thereafter may be paid indefinitely as long as the situation continues, unless the person becomes entitled to some other benefit. (In the event of long-term incapacity, an invalid's benefit becomes payable.) Pregnancy is not recognized as grounds for a sickness benefit, except in the case of a single woman, when it may become payable at the sixth month of pregnancy.

226. Rates of the benefit are set out in a schedule to the Act. Sickness and invalids' benefits (see below) are paid at standard social security benefit rates, with additional provisions for married beneficiaries or those with dependent children. Weekly rates as at 1 April 1990 were $270.44 for a married person, $162.26 for a single person over 18 years old and $131.30 for those between 15 and 18 years of age.

227. The number of sickness benefits in force at 31 March 1989 was 16,921. The average duration of sickness benefits for the year ended 31 March 1989 was 29.1 weeks (41.5 weeks for men and 37.4 weeks for women).

(c) Maternity benefits

228. Every woman normally resident in New Zealand has access to free pre- and post-natal care and to free medical and hospital services during confinement. Sections 106-115 of the Social Security Act set out the terms of the benefits relating to State or private hospitals, including State maternity hospitals. Fees for medical care and hospital services are paid by the Department of Health in accordance with a scale set under the Act. Further information on maternity assistance is contained in the report under article 10.B.

(d) Invalidity benefits

229. Sections 40-46 of the Social Security Act describe the provisions governing invalids' benefits.

230. This benefit is payable to any person normally resident in New Zealand, over the age of 15, who is either totally blind or permanently or severely restricted in their capacity for work as the result of an accident, illness or congenital disability. No distinction is made between physical and mental disabilities and intellectual handicap. Under the Act, a period of 10 years' residence in New Zealand is required (with provision for up to one year's absence during that period). Exceptions to the residence requirement are made to take account of special treatment or training overseas, and of overseas service for seamen or military personnel.

231. In computing the income of blind persons to establish the basic income exemption, no account is taken of their personal earnings. The personal earnings of severely disabled beneficiaries may also be disregarded in computing their benefits. The invalids' benefit rate is the same as the sickness benefit (see above). The number of invalids' benefits in force at 31 March 1989 was 26,253. This represents an increase of 114 per cent since 1979. Reasons for the increase include the impact of a depressed employment market on people with disabilities and the fact that people with quite severe handicaps now tend to live longer.

232. As a separate item from the sickness and invalids' benefits, a Disability Allowance may be paid to disabled people who receive (or would qualify for) income tested benefits, to assist with the additional costs associated with disablement. The maximum disability allowance is $34 per week. As at 31 March 1989, 37,705 people were receiving this allowance.

233. The Handicapped Child's Allowance is paid to people who care for children who need constant care and attention because of a serious physical or mental disability. This allowance is not subject to an income test, and is paid at a flat rate of $26 per week. At 31 March 1988, 7,958 such allowances were being paid in respect of 8,277 children.

(e) Old age benefits

234. The old age pension introduced in 1898 was the first form of benefit in New Zealand, and income support for the elderly has been provided in one form or another since that time.

235. In 1977, the National Superannuation Scheme replaced age and superannuation benefits and remained in place throughout the period under review until its replacement by the Guaranteed Retirement Income (GRI) Scheme on 1 April 1990, when the Social Welfare (Transitional Provisions) Act 1990 came into effect. Most features of National Superannuation as established under the Social Security Amendment Act 1977 have been retained in the GRI. The following description of the GRI Scheme may therefore be taken to have applied also to National Superannuation, except where specific changes are noted.

236. Guaranteed Retirement Income is available to everyone over the age of 60, subject to a test of residence in New Zealand of 10 years since age 20, including at least five of the preceding ten years. Exceptions to the residence test are allowed for absences overseas relating to medical treatment and various forms of official duty. GRI is not subject to any income test unless payment is claimed for a spouse who does not qualify; but it is taxable, and where income from other sources is above a certain level

($3,120 per annum for those with dependent children, $2,600 per annum without dependent children) a tax surcharge, first introduced in 1984, is imposed as well. Under the GRI, a tax formerly imposed on income from a registered pension scheme has been abolished.

237. Standard rates for GRI are at present somewhat above those for income tested benefits. At the introduction of National Superannuation in 1977, the after-tax rate for a married couple was 70 per cent of the average weekly wage before tax, and rose to 80 per cent in 1978. In 1979 the definition was altered so that the after-tax rate for a married couple was 80 per cent of the average weekly wage after tax. The single rate was set at 60 per cent of the married couple rate before tax. Present policy is for rates to be adjusted on 1 April each year in line with the annual movement of the Consumers Price Index or average after-tax wages (whichever is the lesser), until they are aligned with other benefit rates. Payment is made fortnightly.

238. Where one partner does not qualify to receive GRI, for example where the partner is under 60, GRI may be paid at either:

(a) Half the married couple rate, (the qualified partner receives the married person rate); or

(b) The full married couple rate, including payment for the non-qualified partner, (i.e. each partner is paid at the married person rate but subject to an income test).

239. As noted above, New Zealand has agreements for reciprocal payment of benefits, including GRI, with Australia and the United Kingdom. Under the Social Welfare (Transitional Provisions) Act 1990, anyone receiving GRI is now able to continue to receive 50 per cent of their pension while living overseas, provided that they were resident in New Zealand on 1 April 1990 and are not living in a country with which New Zealand has a reciprocal agreement. (Previously, except where formal reciprocal agreements existed, national superannuitants completely forfeited their pensions whenever they left New Zealand for periods longer than 6 months. Full payment was resumed on return to New Zealand). The provision for 50 per cent portability has opened the way for pensioners to retire to the country of their choice and is likely to be of particular interest to Pacific islanders qualifying for GRI.

(f) Survivors' benefits

240. Widows' benefits are provided under sections 21-27 of the Social Security Act 1964. The widows' benefit is payable to a woman whose *de facto* or *de jure* husband has died and who has one or more dependent children under 16 years of age, or who had one or more children and had been married and taking care of her children for 15 years; or subject to certain other conditions relating to her age and the duration of her marriage. Except for widows with dependent children, this benefit is subject to a residence test of three years immediately before the husband's death or five years' continuous residence by one or other partner.

241. The number of widows' benefits in force at 31 March 1989 was 13,026. This level has remained fairly constant during the period under review, and the number of dependent children has continued to decline.

242. Orphans' benefits are described under sections 28-31 of the Social Security Act 1964. The benefit is paid to the person caring for a child whose parents are both dead (or if one parent is dead, who is unsupported by the other parent for reasons set out in the Act). The benefit is normally paid until the child reaches the age of 16 but may be paid until he or she is 18, to assist with further education or in cases where the child is incapacitated from earning a living. Any orphaned child qualifies for the benefit if born in New Zealand, or if the last surviving parent had lived in New Zealand for three years before death.

243. The Social Security Amendment Act 1987 extended the criteria for eligibility for the orphan's benefit. Increasing use is made of this provision to support children in their extended families as an alternative to departmental care. This is reflected in a significant increase in the number of orphans' benefits being paid. The number of orphans' benefits in force at 31 March 1989 was 2,993 (compared with 362 benefits paid in 1983, for example). The weekly rate for orphans' benefits at 1 April 1990 was $78.22.

(g) Employment injury benefits

244. The Accident Compensation Act 1982 provides a comprehensive system of compensation and rehabilitation for employment related and other accidental injury. The scheme provides compensation for loss of earnings at the rate of 80 per cent of normal average earnings. No payment is made by ACC for the first week following an accident, but in the case of a work accident the employer is generally required to pay an employee 80 per cent of his or her normal rate of pay for this period. Self-employed people also qualify for compensation at the rate of 80 per cent of normal average earnings after the first week.

245. Accident compensation is a form of compulsory insurance where the community accepts responsibility for the accidents which will inevitably afflict a proportion of its members. The community pays in three ways:

(a) Levies on vehicle owners to pay for motor vehicle accidents;

(b) Levies on employers (including the Crown) and on self-employed people to pay for other accidents to earners;

(c) General taxation, which pays for other claims from the Consolidated Fund.

246. The Social Security Act 1964 contains provision for the payment of a miners' benefit to anyone (subject to a five-year residence test) employed as a miner in New Zealand for at least two and a half years who as a result of that work has become incapacitated by miners' phthisis or any other occupational or heart disease. The number of miners' benefits in force has decreased steadily over the years to only seven in 1989.

(h) Unemployment benefits

247. Reference should also be made to information on protection against unemployment provided in the report under article 6.

248. The unemployment benefit is payable to people who are registered as unemployed with the New Zealand Employment Service of the Department of Labour, are capable and willing to work, and have made reasonable efforts to find suitable employment. This benefit is subject to a 12 months' residence test and is not available to those under the age of 16 (from December 1990, this will rise to 18 years), or to those receiving GRI. For those between 16 and 20 years of age, the benefit is paid as the Youth Allowance (see below). Full-time students and people out of work as a consequence of strike activity are also not eligible to receive unemployment benefit.

249. Payment of the benefit can normally start seven days after an applicant becomes unemployed; or after 14 days for a single person. With effect from October 1989, it is not payable to school-leavers until six months after they have left school. It will continue to be paid for 26 weeks, and payments can be renewed for 26-week periods as long as the beneficiary continues to meet the criteria for eligibility as set out in the Act. Payment can be postponed in certain circumstances set out in section 60 (4) and (6), e.g. in the case of high income earners. As noted in the introduction to this section, the unemployment benefit is one of those which are subject to an income test.

250. The weekly benefit is calculated at varying rates. Weekly rates as at 1 April 1990 were for 16/17 year olds $86.14, 18/19 year olds $114.86, single people 20 years and over $143.57, and for married couples $223.22, or $111.61 for each partner.

251. The average number of unemployment benefits in force during the year ended 31 March 1989 (latest available figures) was 103,032 (with a further 9,505 receiving emergency unemployment benefits). The average duration of these benefits during the same period was 25.4 weeks (25.6 weeks for men and 25.2 weeks for women).

252. In 1988 a new scheme was introduced to effect income support for young people. This is the "Youth Allowance" whereby 16 and 17-year-old unemployment beneficiaries, trainees on approved employment-related courses, and tertiary students are paid the allowance at similar rates. One of the main aims of this scheme is to provide neutral signals to young people who are making choices between unemployment, training and education, or employment.

253. Instead of the Youth Allowance, single unemployed people aged 16 and 17, who cannot live at home with their parents or expect financial support from them may be eligible for the Independent Circumstances Allowance. The rate of this allowance in 1990 is $114.86 per week.

(i) Family benefit

254. One of the original provisions of the New Zealand social security system, the Family Benefit is a universal benefit paid to the mother (or if appropriate the father or other caregiver) of every dependent child under the age of 15 (or up to age 18 for full-time school pupils). Very broad residential qualifications are set out in section 33 of the Social Security Act: for example, every child born in New Zealand, or who has lived there for 12 months, is entitled to the benefit. An advance payment of up to 52 weeks' benefit may be paid in respect of a first child or a child who has started intermediate or secondary education. An advance payment may also be used to purchase a child restraint for a car.

255. The total number of family benefits in force as at 31 March 1989 was 437,287 in respect of 877,204 children. The level of the Family Benefit was increased from $3 to $6 per week in 1979 and has remained at that level since then. The direction of policy over recent years has been towards supplementing family benefit with additional assistance to low and middle-income families.

256. Two additional income maintenance schemes relevant in this context are the Family Support Tax Credit Scheme (which replaced the Family Care Scheme) and the Guaranteed Minimum Family Income Scheme, both introduced in 1986. Both are, however, taxation measures rather than social security benefits. Further detail is therefore provided in the report under article 10 (Protection of the Family, Mothers and Children).

257. The Domestic Purposes Benefit (DPB) was introduced in 1973 and is payable to a parent caring for children without the support of a partner; or a person caring at home for someone who would otherwise be hospitalized; and in some cases to an older woman alone. The number of DPBs in force at 31 March 1989 was 85,615. Further details on this benefit is also set out under article 10.

Emergency benefits

258. In some cases, applicants who are unable because of age, physical or mental disability to earn a sufficient livelihood but who do not qualify for an invalid's benefit, sickness or unemployment benefit in terms of normal eligibility criteria, may be paid an emergency benefit on grounds of hardship.

C. Factors and difficulties affecting the degree of realization of the right to social security

259. New Zealand has an extensive system of social security. In contrast to the situation in many countries, this is financed from general taxation. In the first decades after the Second World War, the general shape of the modern welfare state was set out. Most changes in the social welfare area over that period were incremental adjustments, improvements in rates, or expansion in coverage of system generosity within the established framework. (Changes were often, however, made on a somewhat ad hoc basis, accounting in part for anomalies which have more recently caused problems). The decade of the 1970s saw expansion in new directions, notably the introduction of the Accident Compensation Scheme, the National Superannuation Scheme, and the Domestic Purposes Benefit.

260. If the 1950s and 1960s were largely a period of steady incrementalism and the 1970s a period of major new programme development, policy development in this area in the 1980s has been characterized by rationalization, cost containment, and concern for the families of low income wage earners. The three key issues underlying this approach have been the massive growth of costs; increasing visible anomalies within and between benefit systems; and problems of benefit and labour force interaction. These issues have also been the subject of increasing public debate.

Cost escalation

261. Between 1970 and 1986, the cost of New Zealand's social security system, excluding the Accident Compensation Scheme, rose from 6 to 12 per cent of

gross domestic product. The $NZ 8,000 million spent in 1988/89 represented about 13 per cent of GDP. The major causes for this growth have been:

(a) The growth in numbers receiving National Superannuation (from 371,687 in 1977 to 487,079 in June 1989);

(b) The unprecedented growth in unemployment throughout the 1980s;

(c) The increase in numbers of benefits for sole parents, especially the Domestic Purposes Benefit (from 17,231 in 1979 to 87,821 in 1989, of which about 96 per cent were for sole parents). Sole parents on this Benefit now account for almost one fifth of all families with children.

262. Cost escalation has also been a major issue in the Accident Compensation Scheme. Numbers eligible have increased, while average payment rates exceed those payable under comparable social security benefits. Levy rates have had to be raised several times. By the late 1980s, income support payments under the Scheme reached a cost of nearly $1,000 million compared with the $8,000 million spent on the combined social security and national superannuation systems.

Anomalies and inconsistencies within income support

263. Perceived inconsistencies within and between various parts of the income support system have given rise to increasing concern since the mid-1980s. Examples of this are:

(a) Different treatment of sickness beneficiaries and accident victims, the latter receiving more than the former, even if they shared the same degree of incapacity;

(b) Ordinary income-tested social security beneficiaries receiving less than retired people in equivalent circumstances receiving National Superannuation, even where the retired had other income, or no additional costs associated with the ageing process;

(c) The unemployed without children receiving less than other social security beneficiaries;

(d) Wide variations in conditions of entitlement for different social security benefits, seemingly not related to variations in need or circumstance.

Benefit/employment interface

264. A third major set of concerns focused on the interface between the benefit system on the one hand and the employment and training systems on the other. For example:

(a) Beneficiaries were seen to be better off than low wage earners at a time of decline in real wages (while real benefits were approximately constant, being price adjusted). Between the mid-1970s and the mid-1980s the standard married couple rate of benefit rose from two thirds to three fourths of the average ordinary time wage;

(b) Youth on unemployment benefit received more than students or tertiary trainees, even if the latter came from low-income families.

The benefit reform process

265. To tackle the difficulties outlined above, a process of reform and rationalization was begun in the mid 1980s. It is still continuing, with some changes (though notified to the public) remaining to be implemented over the coming years.

266. In summary, the reform measures of the past six years involved in the first stages, specific changes such as the introduction of a tax surcharge on the other income of national superannuitants, and the introduction of income tested "Family Care" for low-income earners with children. Taxation and benefit reforms characterized the second stage, over 1985/86. The main features were the introduction of Family Support (a tax credit payable, on an income-tested basis, to all earners and beneficiaries); the Guaranteed Minimum Family Income (set above benefit level, for all full-time workers with children); and the taxation of all benefits on a similar basis to other income. (Detail of most of these measures is included in section B above and in the report under article 10.)

267. The current phase of reform focuses on a larger scale rationalization of the whole income support system, addressing also its relationship to the labour market and training. Measures already implemented include the new Youth Income Support Scheme, the Independent Circumstances Allowance and the introduction of a six-month benefit stand-down period for 16 and 17-year-old school-leavers (also referred to above). For ordinary social security benefits, a new indexation formula has been announced, which will over the longer term phase the married couple benefit down to 65 per cent of the average ordinary wage, while protecting real levels of benefit. In addition, the Government in 1989 announced the development of a "universal benefit" within the social security system to replace the five existing categories of income-tested benefit; and allied with this, it announced plans for the partial integration of the social security and accident compensation schemes. At the time of reporting, these plans are still under development. Further information on them will be included in New Zealand's second report.

Other factors

268. Policy makers recognize the need to ensure that policies are responsive and appropriate to all sectors of New Zealand society. Acceptance of the identity and cultures of the different peoples within the community is an important factor in social policy development, including the social security aspects. Sensitive handling in this area is particularly important in view of the high proportion of Maori people among social welfare beneficiaries. Planners are also aware of the need to balance income maintenance (necessary for dignity, self-determination and full participation in community life) against the possible risks of welfare dependence and loss of initiative.

269. In recent years the Department of Social Welfare has moved to decentralize its services to a regional and local district level, bringing it closer to the clientele it serves. This move was reinforced by the acceptance of a 1986 ministerial committee report on a Maori Perspective for the Department of Social Welfare, Puao-te-Ata-tu (Daybreak), which argued for more community involvement in the department's functioning. Puao-te-Ata-tu is reflected in mission statements of the Department of Social Welfare as a

guiding principle. The decision to extend the criteria for eligibility for the orphan's benefit (mentioned under section B (f) above) stemmed from a recommendation of Puao-te-Ata-tu.

D. Progress achieved in the covering of new fields of social security

270. As indicated in preceding paragraphs, New Zealand's social security is already very extensive, based on foundations laid in the Social Security Act 1938. The effectiveness and appropriateness of its provisions have been reviewed from time to time, most importantly by the Royal Commission on Social Security which sat from 1969 to 1972, and as part of the work of the Royal Commission on Social Policy, 1986 to 1988, (referred to in the introduction to this report).

271. Both supported the continuance of the basic provisions of the existing scheme, though recommending certain improvements to take account of social and economic changes. The introduction of the Domestic Purposes Benefit in 1973 was based on a recommendation of the Royal Commission on Social Security, for example. This recommendation reflected changing attitudes within society, and the concern that, in particular families, separation was necessary in the interests of both partners and of the children.

272. Similarly, the Royal Commission on Social Policy found that "the social security benefit system has served New Zealand well for 50 years, and should continue to do so as long as existing arrangements are reviewed and changed to reflect today's social values". The Commission's report has been a catalyst for further research and documentation in this field, and constituted a significant element in discussions of reform and rationalization which have been a feature of the 1980s, as described above.

273. The rate of payment for the major benefits is reviewed by Cabinet regularly, in most cases annually, to keep in line with changes in the cost of living. Rates are contained in schedules to the Social Security Act.

274. An important recent extension of a social security benefit was the decision announced by Government in early 1990 to permit 50 per cent of either the Guaranteed Retirement Income pension, or the veterans' pension, to be payable to eligible people who wish to retire overseas. (This has been mentioned under section B (e) above.) The new provision, which will take effect on 1 April 1991 under the Social Welfare (Transitional Provisions) Act 1990, takes account of the position of those validly wishing to retire overseas. The Act also provides for temporary absences overseas of up to 26 weeks before payments cease.

275. It is of particular importance for New Zealand citizens from the Cook Islands, Niue and Tokelau, who after living and working in New Zealand for many years, may wish to return to their home islands but who in the past have been forced to forfeit the pensions if they do so. This issue will be covered in more detail in separate reports to be presented on the implementation of the Covenant in the Cook Islands, Niue and Tokelau.

V. ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

Principal laws

276. The principal laws concerned with the protection of the family are:

(a) The Family Protection Act 1955;

(b) The Marriage Act 1955;

(c) The Social Security Act 1966;

(d) The Children and Young Persons Act 1974 (until 1989);

(e) The Family Proceedings Act 1980;

(f) The Children, Young Persons and Their Families Act 1989.

General

277. The traditional values of marriage and family still find strong support in New Zealand. The law, however, has had to respond to social change and acknowledged cultural differentiation within New Zealand by adapting to a wider variety of family networks - for example, one-parent families, childless couples, and extended families.

278. One aim common to all family law legislation is to provide the best possible care and protection for children regardless of the relationship of their parents. Wherever possible, this care and protection is seen as best provided within the ambit of the family or family group situation.

279. During the period when children are young, a family may be entitled to certain advantages such as social security support for families to ease the pressure of economic need. Where specified criteria are met, various social benefits (described in more detail in the report under art. 9 and in following sections) are available.

1. Right to enter marriage freely

280. Reference may also be made to New Zealand's initial reports to the Human Rights Committee (relating to art. 23 of the International Covenant on Civil and Political Rights) and to the Committee on the Elimination of Discrimination against Women (relating to art. 16 of the International Convention on the Elimination of All Forms of Discrimination against Women). The right of women and men to marry derives from the common law. Absence of consent to marriage has always been grounds for voiding a marriage at common law in New Zealand and was incorporated into statute law in 1953. Under section 31 of the Family Proceedings Act 1980, a marriage is void *ab initio* where, at the time of the marriage, there was a lack of consent by either party because of duress, mistake, insanity or any other reason. Marriage procedure is governed by the Marriage Act 1955. The minimum legal age for marrying is 16 years for both partners, and the marriage of a minor requires the consent of a parent or guardian.

2. Measures to facilitate the establishment as well as maintain, strengthen and protect the family

281. While the measures described here do not have the explicit purpose of facilitating the establishment of a family, they are certainly aimed at easing additional economic and social pressures which may be faced by families.

282. The Department of Social Welfare has responsibility under the Children, Young Persons and Their Families Act 1989 to promote the establishment of services including social work services family support services, and community-based services. It is charged with the adoption of policies that are designed to provide assistance to children and young persons who lack adequate parental care or require protection from harm, or who need accommodation or social or recreational activities.

283. During the period under review, Government support for programmes run by voluntary welfare organizations has substantially increased, reflecting efforts to involve the community more in social welfare activities. Steps have also been taken to decentralize the administration of the Department of Social Welfare as part of this trend. Another important aspect of current policies is the wish to reduce institutional care for children (for whatever reason) to a minimum. This aspect is addressed further in the section relating to article 10 (section C) below.

284. Linked to all these issues is the development of a bicultural approach in all aspects of the Department's work. The basic principles for this approach were set down in "Puao-te-Ata-tu" (Daybreak), a 1986 ministerial committee report, to which reference has been made in the report under article 9. An important programme, developed jointly since 1981 by the former Department of Maori Affairs, the Department of Social Welfare, and the Department of Justice (supported also in a report of the Human Rights Commission) is Maatua Whangai (foster parenting), aimed at keeping young Maori out of Social Welfare institutions and assisting the whanau (family) to provide alternatives in family care.

285. Puao-te-Ata-tu provided guiding principles in the process of developing the new Children, Young Persons and Their Families Act 1989, which is also discussed further in section C below.

286. Two important activities of the Department of Social Welfare are the provision of social work and related services (particularly in respect of children, young persons and their families), and income support.

287. The provision of social work and related services constitutes a major part of the work of the Department. The Social Work Development Plan focuses the direction of social work services on those which recognize the social and cultural values of all cultural groups, especially Maori. The passing of the Children, Young Persons and Their Families Act has placed increasing responsibility on the Department to maintain children within their families, whanau and hapu (sub-tribe). Further detail on this aspect and on programmes to ensure that wherever possible, children are cared for within the family group, is set out under section C below.

288. The goals of the Income Support Programme are, among others, to prevent family breakdown and ensure strengthened family and whanau networks through income maintenance support; and to ensure that families, whanau, and individuals receiving social security benefits have a standard of living that allows full participation and a sense of belonging to the community. Services provided under this programme include:

(a) The Family Benefit (on which further information is provided in the report under art. 9): a universal benefit in recognition of the contribution of families to the care of children;

(b) Major Repairs Advances to Homes: financial assistance to social security beneficiaries who own their own homes, where essential repairs and maintenance are needed;

(c) Accommodation Benefit: income support to low income families (and individuals) to assist with high accommodation costs;

(d) Special Needs Grant: income support to low income families and individuals whose income is not sufficient to meet their essential commitments.

289. The Department of Social Welfare also administers a number of funding programmes through which financial support is provided to voluntary organizations and groups in the community for the provision of services. These programmes include:

(a) Child and Family Support Services Programme: funding assistance on a negotiated contract basis to organizations and bodies approved as Child and Family Support Services under the Children, Young Persons and Their Families Act. Such services are expected to be able to provide the full range of services from family preservation, substitute care, return to family and family reconstitution. They must also be able to undertake custodial and guardianship responsibilities with respect to children and young persons where necessary. As at June 1990, 43 such organizations had been approved as Child and Family Support Services;

(b) Family Services Programme: funding assistance to voluntary organizations operating community-based family support services. Targeted in particular are services to families where stress is severely affecting families' ability to provide for the well-being, care and protection of their children and young people;

(c) Home Help: a short-term financial support to people needing help in the home due to disability, infirmity, domestic emergency or multiple birth. Three thousand four hundred and twenty-five people were assisted during 1988;

(d) Childcare Subsidy: financial assistance to families unable to afford the full cost of child care. An income tested subsidy of up to $30 a week per child is payable towards the cost of care for pre-school children. In special circumstances the full cost of childcare can be paid, to prevent family breakdown. Five thousand and eighty one subsidies were paid in 1989;

(e) Homebuilders: funding assistance to voluntary community organizations contracted by the Department of Social Welfare to provide intensive home based support for families under stress. The object is to promote the ability of family groups to provide for the care of their children and young people. Administration for this programme was decentralized during 1988 to increase local community inputs into funding decisions.

(f) Budgeting Services Support Programme: funding assistance to voluntary organizations providing budgeting services in the community to people having financial difficulties. Such organizations generally use volunteers as budget advisers and expenses for these volunteers can be paid under the programme.

(g) Civil Defence: emergency welfare services to families and individuals in times of emergency or disaster. An example is the assistance provided following Cyclone Bola in May 1988, which caused widespread damage to the East Coast of the North Island of New Zealand. The assistance included the provision of additional income maintenance payments, counselling and social work services, budgeting services and other support for community-based services.

290. Further details of housing assistance programmes is provided in the report under article 11 (Right to an Adequate Standard of Living).

291. The Family Support Tax Credit and Guaranteed Minimum Family Income Schemes were introduced in 1986 to replace the Family Rebate which had previously been available through the income tax system. These schemes are designed to assist low-income families by providing regular financial assistance throughout the year rather than a lump sum payment at the end of each financial year, as had been the case with the previous rebate scheme. The Guaranteed Minimum Family Income Scheme is designed to ensure that an earner with dependent children will earn more in the workforce than he/she would on an unemployment benefit.

292. The entitlements are paid out in equal amounts to each spouse by one of three methods:

(a) By reducing tax deducted from a person's wages and thereby increasing the take-home pay;

(b) As a social welfare benefit or an increase to an existing benefit, administered through the Income Support Programme of the Department of Social Welfare;

(c) As an income tax credit at the end of the Financial Year.

293. Families with children for whom Family Benefit is payable, and whose combined income is below a certain level (e.g. $26,000 for families with one child), are eligible for the additional income from these two schemes. The Family Support Entitlement is $1,872 for the first child and $832 for each additional child. The Guaranteed Minimum Family Income Scheme ensures that a family's net income is at least $15,228 per annum.

Childcare institutions

294. Early childhood care and education is provided through a range of services, the main organizations being the New Zealand Free Kindergarten Union and the New Zealand Playcentre Federation. Nga Kohanga Reo ("Language Nests") were established by Maori to provide an educational environment in which children can learn Maori language and Maori cultural values, and their numbers have grown considerably in recent years. Other childcare centres are administered by community and church groups, voluntary agencies and private and commercial operators. Government funding assistance is available through the Ministry of Education or in the case of the kohanga reo, through the National Te Kohanga Reo Trust.

295. As part of the major changes to education policy in recent years (on which further information is provided in the report under art. 13, Right to Education), all early childhood centres wishing to receive Government funding from mid-1990 must negotiate a charter with the Ministry of Education and must meet minimum standards. Funding rates effective from early 1990 are $2.85 per hour per child for up to six hours a day for free kindergartens, and $2.25 per hour per child for up to six hours a day or 30 hours a week for all other services. It is envisaged that funding rates will be standardized by 1994 at the projected kindergarten rate of $3.30 per child per hour.

296. Based on a recommendation of the Meade Report, prepared by the Working Group on Early Childhood Care and Education convened during 1988/89, the Early Childhood Development Unit was established in the Ministry of Education in 1989 to provide liaison and coordination for all early childhood education services. It provides in-service training and education across all areas of early childhood and gives support and advice to families, service organizations and community groups interested in providing early childhood care and education.

B. Maternity protection

Principal laws

297. The principal laws concerned with maternity protection are:

(a) The Social Security Act 1964 and amendments;

(b) The Nurses Act 1977;

(c) The Maternity Leave and Employment Protection Act 1980 (until 1987);

(d) The Parental Leave and Employment Protection Act 1987;

(e) The Obstetric Regulations 1986.

1. Pre-natal and post-natal protection and assistance

298. Under the Social Security Act 1964 (Part II, section 88), all women have free access to medical care during pregnancy, childbirth and for six weeks post-natally. A schedule of maternity benefits for medical practitioners is defined. On initial contact with a medical practitioner, women are encouraged to use one of the ante-natal services available in their area to prepare for

childbirth and the subsequent care of their baby. A book produced by the Department of Health is available to all pregnant women and provides information on health care and resources with the aim of enabling women to choose those most appropriate to them.

299. Pre-natal protection and assistance is available from medical practitioners, registered midwives (both at home and in hospitals), parent centres, and the Homebirth Association. Many public hospitals with maternity wards also run ante-natal classes. Post-natal care is provided by public and district health nurses, Royal New Zealand Plunket Society nurses, La Leche League, new mothers' support groups, general practitioners and paediatricians.

300. The Obstetric Regulations set out requirements for care provided to pregnant women and their babies in hospitals or birthing units. Minimum standards of hygiene, staffing and accommodation are stated, as well as the responsibilities relating to registers and clinical records. All private maternity hospitals are licensed under the Hospitals Act 1957, and the Department of Health is responsible for ensuring that regulations regarding buildings and staff are observed.

301. A 1990 amendment to the Nurses Act 1977 enables a registered midwife to take sole responsibility for the care of a woman throughout pregnancy, childbirth and the post-natal period (responsibility hitherto held only by a medical practitioner). The majority of births in New Zealand are normal and do not require medical intervention. The new legislation represents a step towards a low technology childbirth service to meet the needs of low risk women, and increases women's choices in childbirth.

2. Special protection and assistance for working mothers

302. Information about the special assistance to working mothers is contained in New Zealand's initial report to the Committee on the Elimination of Discrimination against Women under article 11.

303. Under the Parental Leave and Employment Protection Act 1987 (which repealed the Maternal Leave and Employment Protection Act 1980, extending its basic provisions to fathers as well as mothers), parental leave is available to employees in both the private and public sectors. Pregnant women or their partners are eligible regardless of marital status (providing they live together), as well as parents adopting children under five years of age; provided also that they have been employed by the same employer for at least 12 months for 10 hours a week or more. The Act rules out dismissal on grounds of pregnancy, though employers may move a pregnant worker to another job temporarily if safety or performance is affected. The four types of parental leave provided for under the Act are:

(a) Up to 10 days' special unpaid leave for a pregnant woman, for reasons connected with the pregnancy;

(b) Up to 14 weeks' unpaid maternity leave for a pregnant woman or an adoptive mother over the time the baby is due, starting from any time within six weeks of the baby's expected arrival;

(c) Up to two weeks' unpaid leave for a male partner about the time of the birth or adoption of a child;

(d) Extended unpaid leave up to a total of 52 weeks between both partners after the birth or adoption of a child.

304. Except in a redundancy situation, an employer must keep a job open for an employee on parental leave of less than four weeks if that is the first leave taken for that child. The employer must also justify not keeping a job open for longer periods, and any replacment worker may be hired only on a temporary basis, having been told the job is temporary. If another person is hired for a position held open in terms of the Act, there is provision for a complaint to be made.

305. If an employer does not keep a job open beyond the four week period, an employee on parental leave is entitled to six months' preference and must be notified of any jobs similar to the one previously held which become available. A job offer must then be taken up within seven days of the starting date given by the employer.

306. New Zealand has not yet legislated for paid maternity leave or leave with social security benefits and therefore maintains its reservation, entered at the time of ratification, on the full implementation of article 10.2 of the Covenant.

3. Specific measures in favour of self-employed working mothers

307. There are no specific measures such as guarantees against loss of income for self-employed working mothers or those working in family businesses. The various benefits provided under the New Zealand social security system as described in the report under article 9 are designed to prevent hardship in any circumstances.

4. Measures to assist mothers in case of their husband's absence or death

308. Reference should be made to sections of this report under article 9 covering the widow's pension and the Domestic Purposes Benefit, for information on measures designed to assist mothers to maintain their children in the case of their husband's death or absence.

C. Protection of children and young persons

Principal laws

309. The principal laws protecting children and young persons are:

(a) The Adoption Act 1955;

(b) The Social Security Act 1964;

(c) The Status of Children Act 1969;

(d) The Children and Young Persons Act 1974 (until 1989);

(e) The Family Proceedings Act 1980;

(f) The Children, Young Persons and Their Families Act 1989;

(g) The Labour Relations Act 1987;

(h) The Adult Adoption Information Act 1985;

(i) The Education Act 1989.

310. Section 3 (1) of the Status of Children Act 1969 places all children on an equal footing for the purpose of New Zealand law, irrespective of whether the child's father and mother are or have been married to each other. A 1987 amendment to this Act clarified the legal status of children conceived by the use of donated sperm, ova, or embryos. The amendment provides that the child's social parents are to be his or her legal parents.

311. As a general rule, the law makes no distinction between adopted and natural children once a final adoption order has been made. Section 16 of the Adoption Act 1955 provides that at that time the child is deemed to become the child of the adoptive parents and to cease to be the child of his or her existing parents. The Adult Adoption Information Act 1985 reflects the trend towards a more open approach to access to information for birth parents and adopted persons.

312. The Guardianship Act 1968 provides that the Court must regard the welfare of the child as the first and paramount consideration in any matter relating to the custody or guardianship of, or access to, a child; or the administration of any property belonging to or held in trust for a child (or use of any income from such a property). The Act provides for independent legal representation for the child in every uncontested case, and for reliance on non-legal expertise in the assessment of the child's interests.

313. The Fair Trading Act (Children's Night Clothes Product Safety Standards) Regulations 1987 prescribes product safety standards to prevent and reduce the risk of death and injury through the use of certain fabrics and designs in the manufacture of children's night clothes.

314. Details of benefits available through the social security system are given in the report under articles 9 and 10.A above. Major family support benefits designed to protect the wellbeing of children are available either on a universal basis or with certain qualifications, designed to guarantee a basic minimum income for every family. Welfare and basic health services are available free of charge regardless of the marital or social status of parents.

315. Where parents have separated, the non-custodial parent may be required to make payments towards the care of the children by either maintenance orders made by the Family Court in terms of the Family Proceedings Act 1980; or by the provisions of the Liable Parent Contribution Scheme, introduced in 1981 by an amendment to the Social Security Act. The Act sets out schedules for assessing contributions from the non-custodial parent towards the cost of paying a domestic purposes benefit to the person caring for the children.

316. Under the Adoption Act 1955, social workers counsel parents considering relinquishing their child, approve prospective adoptive parents, report to the Family Court and supervise interim adoption orders made by the Court. The steadily declining numbers of children being offered for adoption outside

families reflects changing social attitudes. A majority of sole parents now care for their children themselves or make arrangements for the child to be cared for within their family or extended family network.

317. Under the Education Act 1989, every child is entitled to free enrolment and free education at a State school between the ages of five and nineteen years. Education is compulsory between the ages of six and fifteen. There is no discrimination in access or selection at any level of the school system. Section 8 of the Act gives people with special educational needs equal rights to enrol and receive education. State assistance is also given for pre-school and tertiary education. Further information is provided in the report under article 13 (Right to Education).

318. The Children, Young Persons and Their Families Act 1989, to which reference has already been made, is essentially concerned with the wellbeing and rights of children and young persons, especially in circumstances where they may be at risk. It stresses the fundamental rights of children to freedom from harm and also states that children have a right to a say in decisions that affect them.

319. Information leaflets on several of the above laws are published by the Department of Justice in its "Family Law" series, and are available free to the general public.

Office of Youth Affairs

320. In 1987, the Government established a Youth Affairs portfolio in Cabinet, and during 1988 young people throughout the country were canvassed for their views on matters of concern. In 1989, the Office of Youth Affairs was set up as a department of state responsible to the Youth Affairs Minister. The main objective of the Office is to advise the Government, and government departments, on policy affecting youth in the 15 to 25 age group. The Office is also intended to provide all young New Zealanders with an official channel for their opinions and concerns, and an opportunity to take part in decision and policy making.

321. Issues upon which the Office is to concentrate as a matter of priority are employment, education and training, health, income, justice, and housing. Although the Office does not have responsibility for implementing specific programmes, it is designed to give a youth perspective on government policies, and will for instance be involved in monitoring the major reforms that have recently been effected in the education and training sectors.

Social work

322. A major part of the social work programme of the Department of Social Welfare is focused on children and young persons.

323. The main objective of these services is that all children should be cared for by parent figures, who can maintain the child's sense of belonging, personal and cultural identity; and that the child achieves physical, emotional, mental and social wellbeing within the family group.

324. The Department operates a number of residential care facilities. The Department reviewed its residential services in 1986 and again in 1990. This has resulted in a move to reduce institutional care in favour of community

care wherever possible. Increasing resources are being reallocated from institutional to community care, and numbers of children and young people in residential care have fallen substantially. The number of institutions operated by the Department of Social Welfare has fallen since 1979 from 26 to 9. This is projected to reduce to four by late 1990.

325. The Children and Young Persons Act 1974 provided for the Director General of Social Welfare to take sole guardianship of children and young people who needed care or protection, or who had offended against the law. Most of the children and young people currently in the Department's care are there as a result of proceedings under that Act, or by agreement between the parents and the department (under section 11 of the Act).

326. Most children and young persons in care live in the community. In 1988, 67.3 per cent were living in foster homes, departmental family homes, boarding schools, or with relatives; 14.2 per cent were with their own parents; 6.8 per cent were in employment. Only 7.1 per cent were in institutions, operated by either the Department of Social Welfare or the Department of Justice.

327. In 1984, a comprehensive review of the former Children and Young Persons Act 1974 was begun, resulting in its replacement by the Children, Young Persons and Their Families Act 1989. This Act reforms the law relating to children and young persons in need of care or protection, or who offend against the law. Consultation over the new legislation was particularly extensive with the Maori community, because of a concern that Maori children and youth had not been appropriately cared for within the structures of the old legislation.

328. The change in direction of the legislation is signalled by the addition of "family" to the title of the former Act. The interests of the child are now not seen in isolation, but in the context of his or her family, whanau, hapu and iwi (tribe). The strengths and resources of these groups are to be used to resolve any difficulties arising with the child or young person. Provision is made for strengthening community assistance to families, whanau, and other family groups in caring for their children and young people. The Act also established the post of Commissioner for Children, and an appointment to this position was made in 1989.

329. Major changes instituted by the new legislation include:

(a) The establishment of separate jurisdictions for care and protection matters and offending matters. Issues relating to the care and protection of children and young persons because of family breakup or other stress, etc, are heard in the Family Court: offending by young persons is dealt with in a new Youth Court established as a separate division of the District Court;

(b) General principles, principles relating to the care and protection of children and young persons, and youth justice principles, are established under sections 5, 6 and 208 of the Act;

(c) Family group conferences are authorized to give families and whanau the first opportunity to resolve problems concerning their children and young people before these matters are referred to the Court;

(d) The Family Court is given a wider range of orders to support children and young people without separating them from their family groups;

(e) New procedures are established for dealing with young offenders to facilitate informal solutions to minor offences and appropriate time limited sanctions for more serious ones.

330. The adoption of the Children, Young Persons and Their Families Act is expected to result in fewer children and young people coming into the custody or guardianship of the Department of Social Welfare. A child or young person who has been removed from his or her family is returned to that family wherever possible. Where return is not possible, the child is placed in a new family or family-like setting.

Handicapped children

331. The provisions of the Disabled Persons' Community Welfare Act 1975 include measures to assist disabled children. For instance, the Department of Social Welfare funds alternative care for a seriously disabled child for four weeks in every year to relieve the parents of the constant burden of caring. Special loans are available for necessary alterations to homes, as well as assistance for the purchase of disability aids. The Social Security Act 1964 provides for a non-taxable allowance of $26 a week, payable to the parents of seriously physically or mentally handicapped children being cared for at home.

332. Wherever possible, children with physical or other disabilities are enrolled with other children at ordinary pre-school services and in ordinary classes at their local primary or secondary school. A new provision of the Education Act 1989 specifically states the equal right of those with special education needs to free enrolment and education at state schools. When necessary, buildings are modified, special equipment is provided, and ancillary staff are appointed to assist teachers.

333. A comprehensive range of special education services has been developed for children whose special needs cannot yet be met in ordinary classroom settings. The Special Education Service of the Ministry of Education employs psychologists, speech/language therapists, visiting teachers, advisers on deaf children, and teachers who teach at resource centres for people with disabilities. A very small number of children attend residential schools for periods of time ranging from one term to several years. Special teaching services are also provided in the institutions administered by the Department of Social Welfare for socially maladjusted children.

334. Subsidies are provided to community organizations such as the Royal New Zealand Foundation for the Blind and the New Zealand Society for the Intellectually Handicapped (Inc), whose services include residential facilities.

Protection against exploitation, neglect or cruelty

335. Reference should also be made to New Zealand's periodic reports on implementation of the International Covenant on Civil and Political Rights, for information on measures to protect the rights of children (art. 24) and to outlaw slavery or any form of traffic in persons (art. 8).

336. The Domestic Protection Act 1982 addresses the issue of violence between married persons and couples in de facto relationships. The Act contains wide legal powers to give protection to the victims of domestic violence.

337. Public awareness of the incidence of family violence, including child physical and sexual abuse, is very high. Under the Family Protection and Violence Prevention Programme of the Department of Social Welfare, a number of services are offered for the victims and perpetrators of family violence, with special attention to children. Child protection services have dominated the social work activities of the Department of Social Welfare district offices in recent times. Social workers investigated approximately 6,500 reports of abuse, neglect or concern about a detrimental environment during the year to March 1989, on the basis of which 238 complaints were laid in the Children and Young Persons' Court (under the former Children and Young Persons Act). These figures may decrease as a result of the provisions of the new Children, Young Persons and Their Families Act 1989. Provision is made under this Act for care and protection resource panels in each locality. The Department of Social Welfare has also prepared a booklet ("There are No Superparents") to help parents cope with child rearing difficulties.

338. The Department provides financial support to a number of community organizations providing services to the victims of family violence, such as women's and family refuges, rape crisis and sexual abuse services, and men's groups providing education and treatment for violent men. For example, over $2.5 million was disbursed in 1988 to the National Collective of Women's Refuges.

339. During 1988, the Family Violence Prevention Coordinating Committee undertook a major research project on attitudes to family violence amongst Pakeha (European), Maori and Pacific Island people. The project provided data for a family violence prevention campaign on television, radio and the print media.

340. An advisory committee on the investigation, detection and prosecution of offences against children presented a comprehensive report in 1988 entitled "A private or public nightmare?". This examined issues in child sexual abuse and included background reports and an extensive annotated bibliography.

Measures governing work by children and young persons and measures to prevent employment of children and young persons in any work dangerous to health

341. Reference should also be made to information provided under article 6 (Right to Work). Since education is compulsory until the age of 15, that is effectively the minimum age of employment, apart from part-time work. A fine of up to $1,000 may be imposed under section 30 of the Education Act 1989 in relation to the employment of anyone under the age of 15 within school hours or in circumstances which interfere with the person's schooling.

342. Section 12 of the Factories and Commercial Premises Act 1981 prohibits the employment of anyone under the age of 16 years between the hours of 10 p.m. and 6 a.m. on the following day. It also prohibits the employment in or about a factory of anyone under the age of 15 years.

343. The Government funds the employment by the Council of Trade Unions of a youth worker who has the function of liaising with employers over the working conditions of young workers, youth awards, etc.

344. The Minors Contracts Act 1971 provides special rules on the enforceability of contracts, designed to protect young people against unfair or unreasonable contractual arrangements.

Statistical data on children and young persons in work

345. The earliest age group for which statistics in this area are available is the 15 to 19 year old group. A table for this group, indicating their labour force participation rate for the years 1976 to 1986, is included as table 6.

Table 6

Labour force participation by age group of young persons 1976-1986

		In the labour force	Not in the labour force	Total population	Labour Force participation rate
1976 1/					
15-19	M	86 341	66 994	153 335	56.3
	F	75 295	72 107	147 402	51.1
	T	161 636	139 101	300 737	53.8
20-24	M	120 029	11 615	131 644	91.2
	F	75 206	52 725	127 931	58.8
	T	195 235	64 340	259 575	75.2
1981					
15-19	M	98 256	58 557	156 813	62.7
	F	84 000	65 814	149 814	56.1
	T	182 256	124 371	306 627	59.4
20-24	M	126 801	10 626	137 427	92.3
	F	89 511	42 705	132 216	67.7
	T	216 312	53 331	269 643	80.2
1986 2/					
15-19	M	99 354	53 568	152 922	65.0
	F	89 274	57 891	147 165	60.7
	T	188 628	111 459	300 087	62.9
20-24	M	129 753	13 299	143 052	90.7
	F	103 944	35 898	139 842	74.3
	T	233 700	49 197	282 894	82.6

Source: New Zealand Census of Population and Dwellings, 1976, 1981, 1986, Department of Statistics.

1/ Person working for less than 20 hours a week, and person seeking less than 20 hours a week are included with the "Not in the labour force".

2/ Includes persons unemployed and seeking work.

VI. ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. General and specific measures

346. Legislation and programmes described under preceding sections of the report are designed to ensure an adequate living standard for all: examples are the Social Security Act 1964 and the Minimum Wage Act 1972.

347. New Zealand is a developed country with a relatively high standard of living. Gross domestic product per capita for the year ending March 1989 was $NZ 18,506. Over the last two decades, however, poor economic performance compared with other countries led to a relative decline in living standards. By the early 1980s, New Zealand per capita incomes had fallen to eighteenth place among OECD countries, from one of the highest levels in the 1960s. The period of rapid restructuring which started in 1984 has entailed painful adjustments in many sectors. Current economic policies directed at reducing inflation and national debt, and gaining greater efficiency in the economy's use of resources, have the ultimate goals of increasing employment opportunities and promoting higher living standards on the basis of sustained economic growth.

348. Figures indicating life expectancy levels at selected ages over the period 1975 to 1988 are given in the accompanying table (table 7), for Maori and for the total population (males and females). It will be noted that the figures for Maori are less favourable than for the population taken as a whole, indicating the vulnerability of this sector of the population, and their overall lower standard of living. In recognition of this problem, many of the present policies of Government in areas such as health, housing and education are specifically designed to bring about improvements in the situation of Maori in New Zealand.

349. Notwithstanding the problems of a sometimes difficult terrain, and a widely scattered population with many remote communities, an adequate infrastructure of roads, electricity, telephones, water supply, drainage and other services has been established through most of New Zealand for several decades now. For example, in 1989, New Zealand had 432 telephones per 1,000 of population.

B. Right to adequate food

1. Principal laws

350. The principal laws concerned with the right to adequate food are:

(a) The Social Security Act 1964 and amendments;

(b) The Food Act 1981;

(c) The Food Hygiene Regulations 1974;

(d) The Food Regulations 1984;

(e) The Food (Additives and Labelling) Notice 1989;

(f) The Health (Registration of Premises) Notice 1989;

Table 7

Life expectancy at selected ages, Maori and total populations 1975-77, 1980-82, 1986-88

Life expectancy (years)					
		Maori		Total population	
Period	Exact age (years)	Male	Female	Male	Female
1975-77	0	63.35		69.01	75.45
1980-82	0	63.84		70.36	76.43
1986-88 *	0	+		71.29	77.39
1975-77	20	45.66		51.17	57.01
1980-82	20	46.22		52.09	57.81
1986-88 *	20	+		52.95	58.62
1975-77	40	27.77		32.56	37.81
1980-82	40	28.12		33.45	38.55
1986-88 *	40	+		34.43	39.36
1975-77	60	13.55		16.09	20.42
1980-82	60	13.39		16.62	21.03
1986-88 *	60	+		17.36	21.56

Source: Demographic Trends 1989, Department of Statistics 1990.

* Abridged life table, 1986-88 (provisional).

+ Figures unavailable.

(g) The Dairy Industry Act 1952;

(h) The Meat Act 1981;

(i) The Milk Production and Supply Regulations 1973.

351. As a country with a relatively high standard of living, in an agriculture-based economy with a wide range of nutritious foods available, New Zealand has not found it necessary to enact legislation specifically to promote the right to adequate food. The food legislation that exists in New Zealand is designed to ensure that the entire food supply is of high quality, hygienic and unadulterated. While low income, isolation or low supply of particular foods may restrict individuals' food choices, social security provisions ensure a sufficient income to everyone to purchase all basic requirements, and food legislation ensures food is of acceptable quality and hygiene.

2. Measures taken to develop or reform existing agrarian systems

352. Reforms of agriculture in New Zealand have been among the most far-reaching undertaken by the Government in the years since 1984. In summary, government assistance to agriculture, which in the early years of the reporting period had reached high levels, has been rapidly and drastically reduced. Subsidies, price support and stabilization have been removed. (Notable examples of these were the Supplementary Minimum Price Scheme (SMPs), abolished in 1984/85, and the Meat Industry Stabilization Account which the Government terminated in 1986, honouring earlier commitments by a one-off payment of $NZ 1 billion). The object of such policies is to enhance the efficiency of resource use by reliance on market-determined price relationships. The agricultural sector is adjusting to a more market-oriented environment in which it now has to operate.

353. Assistance to agriculture is currently at very low levels by world standards. Gross assistance to pastoral agriculture is forecast to be some 3 per cent of gross pastoral output in 1990, compared to 34 per cent in 1983 when SMPs were at their peak. As a result, the agricultural sector is now far more efficient and competitive.

354. Other aspects of Government macroeconomic reforms such as tariff reductions, though not yet complete, will also benefit agriculture. Draft legislation in the Resource Management Law Reform Bill is aimed at the sustainable exploitation of natural resources.

3. Measures to improve methods of production and the quality and quantity of food produced and measures to improve and disseminate knowledge relating to methods of food conservation

355. With increased knowledge of the soil types in New Zealand, large areas of "problem" land have been converted to good farms. Illustrating the modern changes to farming as an up-to-date science, farmers have exploited the use of certified strains of grasses and clovers, phosphatic fertilizers, lime and trace elements (especially by aerial topdressing).

356. Under article 15, section B, of the report there is a description of recent changes in the funding of research and development in New Zealand. The system of public funding of research is undergoing considerable change.

357. New Zealand's research in agriculture is primarily undertaken by the Department of Scientific and Industrial Research (DSIR) and the Ministry of Agriculture and Fisheries (MAF), under the Scientific and Industrial Research Act 1974 and the MAF Act 1953. MAF has extension consultants in the field, but to improve efficiency, much of its work in this area is now conducted on a cost-recovery basis. Under a number of the laws listed above, MAF is also responsible for certification of food produced and has livestock and veterinary officers in the field to ensure quality standards in animal production.

358. Increasing the yield per unit of cultivated land is not an explicit government objective, as yield is already adequate to meet market demand, and market signals determine agricultural output. Research is now targeted at those productivity gains that are profitable. Areas where research is focused include for example breeding new pasture species, improving fertilizer use, and controlling pests and other products. Plant breeding remains a dominating force in the development of New Zealand's land-based primary industries. Horticulture is a major area of research and development expansion.

359. Research is carried out by New Zealand's seven animal health laboratories and four agricultural research centres. Both MAF and DSIR are concerned with biotechnology and environmental issues. New Zealand producers and consumers are becoming concerned about the effects of farming production techniques on the environment.

360. Dissemination of knowledge about agricultural research and about materials, equipment and techniques is achieved in a variety of ways. For example, MAF conducts regular field days around the country. Under its information programme, MAF also distributes a range of publications. Its consultants with responsibility for advisory work and extension programmes also fulfil a useful role in this area.

361. There is a wide range of non-governmental activities to promote the spread of knowledge on agricultural improvements, especially through the media, for example through specialist radio and television programmes (which also attract a wide urban audience). Producer Boards - the New Zealand Dairy Board, Meat Producers' Board, Apple and Pear Marketing Board, etc - also conduct extension programmes in their own sectors. Reference should also be made to the report under article 15 for general information on the dissemination of research findings, especially those of the DSIR.

362. The above measures also apply to the dissemination of knowledge about food conservation methods. The Dairy Research Institute and the Meat Research Institute, which are largely funded by the private sector, as well as MAF and the DSIR, are responsible for research on technology relating to crop harvesting, processing and storage. (It may be noted that grain production constitutes a very small percentage of New Zealand's agricultural output.)

363. Under recent local government reforms, more than 600 public agencies, including pest destruction boards, noxious plants authorities, and catchment boards, have been replaced by 94 new district and regional councils. Among

other things, the councils have the main responsibility for soil and water resource management, for regional pest control and natural hazards mitigation. A number of these functions have hitherto been funded either wholly or partly by central government. The continuation of former funding arrangements, for what are now regional or local responsibilities, is still under review. In a joint programme, the MAF and a South Island regional council are currently undertaking a rabbit eradication programme to counter an infestation problem in a large farming district.

4. Improvement of food distribution

364. An adequate distribution infrastructure already being in place within New Zealand, attention is focused on improving the efficiency of international transport links. Improved efficiency of New Zealand ports is an important part of recent local government reforms. Harbour boards have been abolished and port companies established to carry out commercial port activities. Regional authorities have taken over the boards' statutory and regulatory functions and their shares in port companies. To date, these and other reforms in the port industry have improved efficiency in a number of respects, with consequent savings to producers.

365. Assuring minimum supplies to needy groups is not a major problem in New Zealand, though it has grown in recent years, mainly in urban areas. In addition to the safeguards of basic living standards ensured through the social welfare benefit system described in the report under article 9 above, the Government provides financial support through the Department of Social Welfare for a number of community and voluntary organizations involved in food relief. Many area health boards operate a meals-on-wheels service, delivering meals to elderly people in their own homes, with the assistance of volunteer drivers.

5. Measures taken to improve food consumption levels

366. There is no apparent need in New Zealand to improve the level of food consumption. Most nutrition-related health problems in New Zealand are linked to over-consumption of certain nutrients rather than under-consumption. It also seems that some sections of the population may be more vulnerable to over-consumption of certain nutrients such as sodium and saturated fats than others. More research needs to be completed to clarify those issues.

367. The Nutrition Task Force was set up by the Department of Health in 1988 to look at nutrition issues as they specifically relate to New Zealanders. It will review and recommend a food and nutrition policy for New Zealand, taking account of social, economic, ethnic and cultural factors, which encourages healthy eating habits and promotes health and well-being.

6. Measures to reduce food adulteration

368. Comprehensive and up-to-date legislation, effective law enforcement, and public and industry awareness of the high risks of food contamination and the importance of high quality are important means of ensuring an unadulterated, hygienic and safe food supply in New Zealand. Both the Department of Health and MAF have responsibility for administering legislation (of which some of the principal laws are listed above) to control the quality and hygiene of food and food premises.

369. In the case of the legislation administered by the Department of Health, the Food Regulations 1984 set food standards that specify permissible food additives and ingredients in a variety of basic foods, with general provisions to cover foods not specifically standardized. The regulations also limit levels of contaminants that may be present, for example metals, pesticides, and animal remedy residues.

370. The hygiene of food premises is dealt with in the Food Hygiene Regulations and covers issues such as construction of premises, conduct and maintenance of premises, and conduct of workers.

371. Labelling requirements are also described in the regulations to ensure consumers can make informed selections about the foods to be incorporated into their diets.

372. A Food Standards Committee functions to consider and advise the Minister of Health on changes needed to food standards. It assists the department in reviewing and updating food legislation.

373. MAF is responsible for those meat, fish and dairy products which are primarily for export. It has responsibility for hygiene in the relevant manufacturing premises and the quality of the final product.

Enforcement

374. Food standards are administered by the Department of Health but enforced by delegated authorities. Area health boards enforce food standards and local authorities are responsible for enforcing food hygiene.

375. Commodity inspections are performed by area health boards' health protection officers. Such inspections involve investigation of the labelling, ingredients, additives, nature of processes, packaging and food storage for each food product produced within the boundary of the area health board to ensure that proper standards are met in accordance with food legislation. Area health boards also routinely sample food products in their areas for compliance with standards. Consumer complaints are investigated by area health board inspectors.

376. All premises used for the manufacture, preparation, packing and storage of food for sale are required by the Food Hygiene Regulations to be registered under the Health (Registration of Premises) Regulations 1966. The local authority registers premises after environmental health officers have carried out inspections to confirm that the appropriate standards for construction of premises have been met.

377. The Department of Health, in conjunction with the DSIR, carries out many projects investigating the safety of foodstuffs available in New Zealand. A total dietary survey is performed every few years. This survey investigates the pesticides, elements, colours, preservatives and contaminants present in an average New Zealand diet and the results are published. This survey provides a basis for on-going food contaminant monitoring of the food supply and is necessary because the levels of contaminants in foods may be altered by changes in dietary trends, agricultural or manufacturing practices, processing techniques or methods of food packaging, transport or by environmental or industrial contamination.

378. Controls are also imposed on imported foods. Certain classes of imported foods with a history of non-conformance with New Zealand standards are held on entry to the country. The food may be sampled and tested for safety and quality. For a small number of foods the importer must produce evidence that the food complies with local standards.

379. Agreements exist with Australia such as harmonization of standards through the Australia/New Zealand Closer Economic Relations and Trade Agreement and a reciprocal imported foods agreement where New Zealand notifies the Australian authorities of seized or recalled imported foods and in turn New Zealand will be notified of corresponding events in Australia.

380. A Memorandum of Understanding exists between New Zealand and the United States Food and Drug Administration on matters relating to shellfish for export to the United States of America.

Health education

381. Educational resources are also available to consumers and food workers to encourage food hygiene awareness. The National Education Authority coordinates a training course in food hygiene to national certificate level. The training is undertaken by polytechnics and community institutes throughout New Zealand. Health staff are involved in the design of the teaching syllabus and in the provision of educational material. Food hygiene is also a component of the training programme for chefs and other food trade workers. Persons with these qualifications are usually present in most commercial, food handling institutions.

382. Other publicity material is widely available. The National Library supplies audio-visual material to interested parties. Pamphlets and posters are produced by the Department of Health and food industries on matters relating to food and nutrition.

7. Measures taken for dissemination of knowledge of the principles of nutrition

383. The Department of Health has taken several measures to ensure that nutrition messages are responsibly disseminated. These are as follows:

(a) The Nutrition Task Force (see above) is currently developing policy and will make recommendations in the areas of nutrition information and education;

(b) As a result of the report of the advisory committee to the Minister of Health on the prevention of cardiovascular disease, the Department established and funds "Heartbeat New Zealand" which, in conjunction with the National Heart Foundation of New Zealand, offers a health promotion programme providing community nutrition education. Examples of their work include publicizing the "Healthy Food Pyramid" by means of pamphlets, posters and talks. In 1989 it organized a "Heart Food Festival" and in 1990 a "Heartbeat Awards Scheme" is being established which aims to encourage healthy food choices in a healthy environment in workplace cafeterias. The criteria to be used relate to healthy food choices, promoting a smoke-free area, and food hygiene training;

(c) The Department has also recently established and funded "Maori Heartbeat" which aims to set up programmes appropriate to the needs of Maori people.

384. Health promotion and health education services operate at the national and regional levels. The Department of Health at the national level produces resources, such as pamphlets and posters, but is primarily responsible for policy advice. The area health boards are responsible for health promotion and health protection services at the local level, distributing resources and working with community groups and the wider public.

8. Participation in international cooperation aimed at ensuring the right of everyone to be free from hunger.

385. New Zealand makes annual contributions to the core budget of the World Food Programme (WFP). Its contribution for 1990/91 stands at $850,000. In addition, contributions have been made to a number of WFP's special appeals for particular emergencies during the period under review.

386. While access to markets within New Zealand is not a problem, New Zealand shares the substantial problem faced by many less developed countries in gaining access to markets at the international level. New Zealand devotes considerable effort to the liberalization and removal of distortions in world agricultural trade. In particular, it has for the past three years been actively involved in the Uruguay Round of GATT, and as a member of the Cairns Group of agricultural exporting nations, has sought to advance the cause of freer and fairer agricultural trade. The Uruguay Round is due to terminate in late 1990.

387. The bulk of New Zealand's development assistance is concentrated on neighbouring South Pacific countries. In accordance with the development constraints faced by most of them, New Zealand's development assistance is predominantly oriented towards the education and technical assistance sectors. More generally, its programmes have in recent years focused more sharply on the desirability of New Zealand aid going to those sectors where New Zealand's input can be most effective, and this of course includes agriculture and related technology in many situations.

388. In 1988, a total of $NZ 9.7 million of overseas development assistance funds (i.e. 7.2 per cent of bilateral disbursement) was allocated to agriculture. The types of programme include small-scale productive enterprises aimed at enhancing rural semi-subsistence lifestyles, larger programmes to increase agricultural production for local consumption and for income-generating exports, and programmes to improve the marketing in urban areas of fresh fruit and vegetables from rural areas. In the South Pacific and in other regions, New Zealand has also been involved in development cooperation to improve livestock breeding techniques, dairy development, grasslands improvement, etc.

389. As a member of the South Pacific Forum, New Zealand is committed to regional cooperation for the economic development of the island states. Under the South Pacific Regional Trade and Economic Co-operation Agreement (SPARTECA), Forum island countries have free access to the New Zealand markets for their exports, which include a number of food items. Among the most

notable successes resulting from the regional approach are the achievements of the Forum Fisheries Agency aimed at ensuring the sustainable management of this most valuable food source for the region.

390. Some of the voluntary agencies receiving Government subsidies through the Voluntary Agencies Support Scheme are primarily concerned with developing countries' efforts to improve self sufficiency in food.

391. The Government has also assisted with providing transport and other support to non-governmental efforts to assist countries facing food shortages. For example, in 1984, "Operation Hope" was organized by voluntary organizations to ship food supplies to drought stricken Ethiopia; and in 1990 "Operation Good Samaritan" collected food supplies in a public campaign around New Zealand for shipment to South Pacific Island countries in the wake of the devastation caused by Cyclone Ofa.

9. Statistical and other available data on the realization of the right to adequate food.

392. The Department of Health collects statistical information on food from several different sources. Used in the development of national nutrition policies and the education of vulnerable groups, the four main types of survey are:

(a) Food balance sheets - a yearly collection of food disappearance data against which overall food trends can be assessed;

(b) Food composition database - the analysis of food types. The database provides a clear understanding of the food produced and eaten in New°Zealand;

(c) Heart health survey - this is a broad-based survey which looks at trends related to diet and cardiovascular disease;

(d) One-off surveys of both a qualitative and quantitative nature instigated from time to time on attitudes towards food and food behaviour.

393. A table indicating the average weekly expenditure per household on food over the period 1982-1989 is included as table 8.

Table 8

Average weekly expenditure per household on food
1982-83, 1985-86, 1988-89

Average weekly household expenditure ($) *			% of total net household expenditure		
1982-83	1985-86	1988-89	1982-83	1985-86	1988-90
54.80	69.40	92.3	19.1	16.7	16.6

Source: New Zealand Household Income and Expenditure Survey, 1982-83, 1985-86, 1988-89.

* Averages have been rounded to the nearest five cents.

C. Right to adequate clothing

1. Principal laws

394. New Zealand has no specific legislation relating to the right to clothing, though here again the social security system is designed to ensure that everyone has sufficient income to purchase basic requirements such as adequate clothing.

2. Measures to improve methods of production and distribution of articles of clothing and scientific and technical methods used to achieve adequate supply

395. Under import substitution policies in place over several decades until the mid-1980s, the New Zealand garment manufacturing industry was substantially protected from external competition.

396. In recent years, however, the industry has been exposed to growing competition from imported garments as a consequence of the Government's economic policies of deregulation and tariff reduction. For instance, under the terms of the Agreement for Closer Economic Relations with Australia (CER), bilateral trade in garments has now been completely liberalised. Clothing items produced in the Forum island countries enter New Zealand free of import restrictions under the SPARTECA Agreement. Consumers now have a wider range of choice of imported and locally made garments, including more low-priced items from countries where lower labour costs reduce final prices. Further protection is to be removed from the footwear industry from mid-1991, resulting in a greater variety and lower prices. Families, especially with young children, are seen as major beneficiaries of such changes.

397. Clothing production is concentrated in the private sector. In addition to retail and wholesale stores, clothing and footwear may be purchased from mail order catalogues.

398. Three research associations are involved in programmes related to the clothing industry. These are the New Zealand Leather and Shoe Research Association, Research Institute Textiles Services (Inc), and the Wool Research Organisation of New Zealand (Inc). (Information on the structure of research associations in New Zealand is given in the report under article 15).

399. The Leather and Shoe Research Association operates as a science, technology, and training resource centre providing research and technical services to its client groups, particularly in the fellmongering, tanning and footwear manufacturing industries. The Association investigates strategic issues affecting the New Zealand hide and skin resource base, and matters of safety, health and the environment.

400. Research Institute Textile Services (Inc) provides technical services to the laundry and drycleaning industries, and has recently expanded its testing and consultancy services to the textile and clothing industry. It now undertakes work associated with the development and use of new fabric types.

401. The Wool Research Organization of New Zealand (Inc) has the principal task of developing new knowledge of wool, including improved processes and products of manufacture. Work is concentrated on crossbred wools, of which

New Zealand is the world's principal source. The organization also assists New Zealand wool processing industries, particularly with new technology, and works with the New Zealand Wool Board and agencies of the International Wool Secretariat in the exploitation of new technologies. Programmes undertaken in recent years, for example, relate to safety standards and regulatory requirements, mohair processing, textile mechanical processing, and environmental and pollution control in wool treatment.

3. International cooperation contributing to the promotion of the right to adequate clothing

402. New Zealand efforts in support of international trade liberalization are also relevant in this area.

403. New Zealand has at various times provided clothing assistance to countries in emergency situations, particularly South Pacific countries affected by cyclone disasters.

404. A number of voluntary organizations in New Zealand are involved in the collection and shipment of clothing as part of emergency and other relief programmes. Some of these organizations receive Government assistance under its Voluntary Agencies Support Scheme, administered as part of the Overseas Development Assistance Programme.

D. Right to housing

1. Principal laws

405. The principal laws concerned with the right to housing are:

(a) The Housing Act 1955 and amendments;

(b) The Housing Corporation Act 1974 and amendments;

(c) The Maori Housing Act 1935;

(d) The Race Relations Act 1971;

(e) The Human Rights Commission Act 1977;

(f) The Residential Tenancies Act 1986;

(g) The Housing Improvement Regulations 1947.

406. Although there is no statutory guarantee of the right to housing in New Zealand, the legislation and programmes described in this section reflect Government recognition of its central role in meeting the various housing needs of the community, especially in the low-income sectors.

407. The Housing Act 1955 allows for the purchase of land and dwellings, and the building of dwellings for State housing purposes.

408. The Housing Corporation Act 1974 established the Housing Corporation of New Zealand (replacing State Advances Corporation), with the major functions of:

(a) Undertaking housing and other urban development and renewal, both on its own account and on behalf of Government departments, and other persons and bodies;

(b) Giving assistance to any persons in any matters relating to housing and other urban development and renewal.

409. The Residential Tenancies Act 1986 reformed the law between tenant and landlord. It repealed the Tenancy Act 1955 and the Rent Appeal Act 1973, and replaced Part VIII of the Property Law 1952.

410. The laws mentioned in the preceding three paragraphs are administered by the Housing Corporation of New Zealand. In the 1980s, the Housing Corporation strengthened its commercial base, though its special social functions have continued to be recognized. It has since 1985 been able to raise funds from private sector capital markets. A decision was announced in April 1990 to return the Corporation to the status of a full government department in early 1991, with funding provided through the Treasury under the Public Finance Act. This decision was taken in order to clarify the Corporation's role as a social agency.

411. Other general legislation affecting housing is in the form of regulations designed to ensure public standards of health, design, location and structural requirements, for example, the Housing Improvement Regulations 1947. Such regulations are administered by local authorities.

412. As noted in the introduction to the report, both the Race Relations Act 1972 and the Human Rights Commission Act 1977 contain provisions to prohibit discrimination in the provisions of housing or accommodation. Further detail on this is provided in later paragraphs.

413. The National Housing Commission was set up in 1972 as an independent statutory body to investigate, comment on and advise upon all matters relating to the provisions of housing in New Zealand. Following strengthening of the policy functions of the Housing Corporation in recent years, the Commission presented its final report and was disestablished in 1988.

2. Programmes aimed at expanding housing construction to meet the needs of all categories of the population

414. State housing policies have been evolving in New Zealand since the early 1900s when fears of a major outbreak of bubonic plague arose in slum areas of the main urban centres. The Workers' Dwelling Act 1905 provided for the construction of State houses for landless persons below a given income level. The Advances of Workers' Act 1906 made loans available for housing construction. Housing shortages persisted throughout the 1920s and into the 1930s. The State Advances Corporation was established in 1936 to administer State lending for housing construction, and incorporated a housing construction division (later transferred to the Ministry of Works). By 1943, 5,000 new houses per year were being built under the State housing scheme.

From 1950, State tenants could buy their own units, and about a third passed into private hands. The building of State rental houses declined, so that by 1983 fewer than 500 new units a year were being acquired.

415. During the period under review, the effects of the economic downturn and demographic change combined to produce a severe shortage of affordable housing in some areas. Households with children in central and southern parts of the Auckland region, many of whom are of Maori and Pacific Island origin, have been facing major problems. Changing social attitudes and moves to deinstitutionalize people with health and welfare related disabilities have also increased the need for special purpose accommodation. Housing has thus been a particular problem for low-income or unemployed single people, single-parent households (mostly headed by women), and ex-psychiatric patients in high-cost urban areas. The main problems are the high cost in the private sector of houses and finances, or of rents, relative to income; but some ethnic and household types may face discrimination as well. The annual report of the Human Rights Commission and the Office of the Race Relations Conciliator for the year to 31 March 1989 records that the two offices each investigated four complaints relating to housing and accommodation over that year. In general, however, the incidence of discrimination in this area seems to be declining.

416. The 1988 five-yearly report of the National Housing Commission, which began with a reference to the International Year of Shelter for the Homeless (1987), made a significant contribution to the housing debate in New Zealand. The report noted an increase in unmet housing needs, foreshadowing the possibility of a return to the crisis situation of the early 1900s. In addition to the problems noted above, the Commission reported that the standard of housing was low in rural areas, particularly in the Maori communities of Northland, the East Coast and the Bay of Plenty. (A copy of the report is provided with supplementary papers).

417. The Royal Commission on Social Policy also recommended the development of programmes to meet the special needs of Maori people, women, Pacific Islanders, the aged, ethnic minorities and disabled people. It supported ongoing Government involvement in providing subsidized housing, but saw a need for more flexible and equitable systems.

418. Consistent with the findings of both these major reports, housing policy in recent years has shifted towards a more targeted approach. In 1988 the "Serious Housing Need" policy was introduced for implementation by the Housing Corporation. The policy aims to relieve serious housing need through better targeting of resources to households in urgent need of housing assistance; developing new policies to assist family and non-family households more effectively; and encourging better use of existing rental housing stock. Serious housing need is defined in terms of overcrowding, substandard or unaffordable housing, temporary accommodation, or negative social effects of housing deprivation.

419. The Ministry (formerly department) of Maori affairs and the housing division of the Iwi Transition Agency administer the Maori Housing Act 1935 (and amendments), which aims to meet the special housing needs of Maori people. Policies to effect devolution of housing assistance to the tribal and Iwi authorities over the longer term are being developed, in keeping with the spirit of the Treaty of Waitangi.

420. In 1969, eligibility for loans and housing assistance under the Maori Housing Act was extended to Pacific Island people as well. A further amendment to the Act in 1985 enabled the Board of Maori Affairs to lend to Maori trusts, corporate bodies and non-Maori persons, consistent with the overall goals of improving housing for Maori and Pacific Island people or assisting them to buy homes.

421. Programmes operated under the Maori Housing Act give priority to housing Maori and Pacific Island families in a way that recognizes cultural values and supports the whanau. They include the provision of loans for building kaumatua flats for the elderly around or near marae (traditional village meeting places), and for whareawhina (hospitality-based housing); loans for housing improvements for families involved in the maatua whangai programme (on which more detail has been given in the report under art. 10 above) and for wharetapiri (extended family housing); and cooperation with the Housing Corporation (under its lending policies) on the Papakainga programme.

422. Papakainga (a Housing Corporation lending scheme for multiple-owned Maori land) was established in 1985 as a pilot programme in two areas of New Zealand. This programme has since been extended throughout the country. Designed to assist Maori people in rural areas to build homes on their ancestral tribal land, the scheme removed the requirement to obtain individual title to land on which a house is built. (This requirement had had the effect of alienating the land from the tribal group). Under the Papakainga programme, the security of a home loan is fixed on the house, not the land on which it is built. In the year to 31 March 1989, 261 loans were made on multiple-owned land.

423. The Housing Corporation produces posters and brochures describing its programmes in the Maori, Samoan, Tongan, Tokelauan, Niuean, and Cook Islands Maori languages as well as in English.

424. Further detail on housing assistance programmes for Maori and Pacific Island people may be found in New Zealand's reports to the Committee on the Elimination of Racial Discrimination.

Women's Housing needs

425. A survey of women's housing needs in 1987 revealed as major areas of concern access to housing following marriage breakdown, including the special needs of women leaving violent relationships, and access to housing for single women. As a result, a $3 million Women's Project Fund was set up by the Corporation in 1988 to provide loan finance for projects run by women for women and children whose needs are not met by other policies, ranging from sheltered and transitional housing to independent housing. The Corporation's Women's Policy Unit monitors and evaluates existing housing programmes to ensure that women in housing need are housed adequately and appropriately.

426. Maori women are especially disadvantaged in housing matters. While households headed by Maori women are the fastest growing household type, only 39 per cent of these women own their own homes, compared with 76 per cent for all male headed households. Maori women thus depend more heavily on rental housing. In 1989, a Maori Women's Housing Research Project was established jointly by the Housing Corporation, the Ministry of Maori Affairs, the Department of Social Welfare and the Ministry of Women's Affairs, and includes

community representatives. The project will document the current housing circumstances of Maori women, identify the effects of poor housing on them, and identify their particular housing needs and aspirations, as well as exploring options for better meeting those needs.

427. In 1989 the Ministry of Women's Affairs published the "Women's Guide to Housing" to provide basic information about all aspects of housing, including Government housing policies and programmes, and community and private sector initiatives.

Housing corporation programmes

428. Specific programmes operated by the Housing Corporation fall into the areas of rental housing, ownership assistance, and community housing.

Rental housing

429. As at March 1989, the Corporation administered a record 64,521 rental units including 423 special purpose tenancies and 423 relocatable cottages. Over 2,400 new units were added to the rental stock during the preceding year. More than 9,500 households were accommodated in rental units that year, compared with 7,939 the year before.

430. Rental units are allocated to those in greatest need on the basis of a points system. Factors such as income, existing accommodation and rent paid are taken into account in assessing relative need. A major review of the points system led to the introduction of a revised system in 1988, which specifically recognizes serious housing need factors. Where tenants are able to pay market rates, they are charged accordingly. As at 31 March 1989, about 7 per cent of the Corporation's tenants were paying market rents. The majority, however, are charged at a lower rate in accordance with their income. The average rent paid in 1989 by Corporation tenants was around $69 per week, compared with the average private sector rent of about $154.

Ownership assistance

431. Ownership assistance aims to give access to home ownership to low-income households who cannot obtain it through the private sector. The chief elements of this programme are mortgage lending and ownership support.

432. Under the Mortage Lending Scheme, the Corporation offers home loans for substantial first mortgages or smaller second mortages for first-time buyers; loans to assist tenants to move out of Corporation units; home improvement loans, deposit assistance, refinance/second-chance loans, and equity-sharing loans.

433. Subsidized interest rates are the main feature of assistance offered through the various forms of home loans. Interest subsidies to individual households are granted according to total gross household income. Priority is given to couples and families whose total household income is equal to or less than the average weekly wage. Applicants for loans must also be New Zealand citizens or permanent residents. Except in special circumstances, assistance is not generally available to sole persons without dependents. In 1988/89, 11,336 home loans valued at $497.7 million were approved.

434. Another aspect of the Mortgage Lending Scheme is deposit assistance made available under the Homestart programme. Homestart loans are offered at 3 per cent interest for five years. Interest is capitalized onto the loan, so that there is nothing to pay for five years, after which the loan must be repaid or refinanced. In 1988/89, 16,382 Homestart loans valued at $161.6 million were approved.

435. Ownership support comprises mortgage guarantees, Buildguard (protection against defective workmanship) and household insurance.

Community housing

436. The Housing Corporation has offered assistance to community organizations and special needs groups since the early 1970s. The numbers of non-family clients seeking housing assistance has continued to grow throughout the period under review. In many cases, people with housing problems also face health or welfare related disabilities. The Housing Corporation cooperates with a diverse range of community groups and organizations to meet the needs of these people. Programmes currently offered in the area of community housing include:

(a) Special lending: a programme designed to assist clients with special housing needs who can afford loan repayments, but are unlikely to benefit from other Corporation lending programmes, which are mainly aimed at individual households. Loans are made to community groups and welfare organizations. Such loans enable groups to offer supervised housing to clients such as ex-psychiatric patients, street kids and people with disabilities. The Venture Fund ($3 million) provides loans to encourage innovation and experimentation in housing construction and tenure, and new ways to counter serious housing need;

(b) Special tenancies: rental units are provided for community organizations for residential or non-residential use. Following a liberalization of the policy governing their allocation, the number of special tenancies approved increased in 1988/89 to 102 (from 27 in the previous year).

437. The boarding-house programme enables the Corporation to purchase existing boarding-houses or estabish new ones, or fund local authorities to do so. The Corporation also provides funds to boarding-house owners to upgrade their premises.

Housing for older people

438. A significant proportion of tenants in Housing Corporation houses and flats are elderly. In addition, the Corporation operates a number of special programmes to provide assistance for housing for the elderly and disabled people. Longstanding government policy is to encourage and support the programmes of local authorities, religious and welfare organizations in this area. The Housing Corporation provides them with low-interest finance and subsidies for pensioner flats which are available at low rents subject to an income test and age or disability qualifications. In 1988/89 the Corporation provided $14.7 million in loans and $2.28 million in grants for the provision of approximatey 400 rental flats. Since this policy was introduced in 1950, approximately 15,000 pensioner flats have been built.

439. Funds are also available to local authorities and community organizations to provide relocatable "granny flats" for housing elderly people on a home owner's property.

440. "Homeswap" is a programme for the building of home units for sale to older people in return for the purchase of their existing house for rental or redevelopment purposes. Nineteen such units were provided during 1988/89.

3. Use of scientific and technical knowledge and of international cooperation for developing and improving housing construction, including safety measures against earthquakes, floods and other natural hazards

441. The Department of Scientific and Industrial Research (DSIR) conducts a number of activities in this area. The department is involved in the development, introduction and dissemination of new engineering products and processes for New Zealand industry. A primary goal under its mechanical engineering research programme is to reduce the vulnerability of New Zealand's buildings, plant and equipment to damage by earthquakes and other disturbances, by improved technologies. Another major activity of the DSIR is in the area of information on the nature and properties of New Zealand's lands and soils, which includes the collection and dissemination of information for land use and land restoration, planning and decision-making. The department's work on the nature and properties of geological structures of New Zealand, earth processs and associated hazards provides a basis for land-use planning and engineering construction.

442. DSIR also provides statutory and non-statutory grants to the Building Research Association of New Zealand, the Cement and Concrete Association of New Zealand and Central Laboratories. (Further detail of the structure of research associations is provided in the report under art. 15).

443. The Building Research Association of New Zealand has the aim of identifying and satisfying the information needs of the building industry in the interests of the whole community. Areas of recent research include fire safety science, heat and condensation problems in buildings, and the structural performance of buildings.

444. The Cement and Concrete Association of New Zealand (formed in 1988) has the objectives to expand the use of concrete in New Zealand with research and promotion, and to help the industry obtain better results through education and information. Activities include international technology transfer, investigation of the durability of concrete structures, and study into the greater use of marginal materials and aggregates.

445. Central laboratories is a research and testing establishment, with activities covering eight broad disciplines for finding practical solutions to engineering, scientific and architectural problems. Areas of its work relevant to housing are aerodynamics, building science, concrete, hydraulics and structures.

446. The Building Industry Commission was established in 1989 to review existing building regulations. One of its first objectives is to complete a simplified, uniform and performance-oriented building code. This code will

replace all local authority building by-laws and other building design regulatory provisions. A new building industry authority is to be established to oversee the introduction of this Code.

447. Local authorities administer housing regulations to ensure public standards of health, design, location and structural requirements. Legislation in this area includes the Housing Improvements Regulations 1947, the Local Government Act 1974, and the Town and Country Planning Act 1977. Draft legislation currently before Parliament in the Resource Management Law Reform Bill will influence the regulation of housing subdivision and development within the framework of a comprehensive environmental protection programme.

4. Special problems of housing, water supply and sanitary conditions in rural areas

448. The provisions of the Health Act 1957 and the Local Government Act 1974 relating to the regulation and inspection of water supply and sanitary services, etc, extend throughout urban and rural New Zealand. For example, under sections 25ff of the Health Act 1957, local authorities may be required to provide sanitary works such as drainage, sewage, and refuse collection. Reference may also be made to the report under article 12 for further information relating to the protection of hygiene.

449. To provide reliable water supplies both for domestic and agricultural use in rural areas, the Government has subsidized a number of rural water supply schemes in recent years.

450. The main policy development for housing in rural areas during the period under review was the introduction of the Papakainga scheme, described in earlier paragraphs.

451. The Housing Corporation has a number of mobile offices which take information and services to small communities, and is extending the use of these offices.

5. Measures taken for the protection of tenants, such as rent control and legal guarantees

452. The Residential Tenancies Act 1986 consolidated all existing tenancy law into one piece of legislation (the major laws thus repealed being the Tenancy Act 1955 and the Rent Appeal Act 1973). The new legislation affirmed the provisions of the Race Relations Act 1971 and the Human Rights Commission Act 1977 against discrimination in housing matters, and introduced two further protections for tenants.

453. Discrimination by landlords in granting or operating tenancies is prohibited on a number of grounds in section 12 of the Act. In particular, landlords may not discriminate against a tenant or prospective tenant because the person has a child (or is pregnant or not sterile), or because he or she is unemployed or likely to become unemployed. Section 12 also reaffirms the provisions of the Race Relations Act 1971 and the Human Rights Commission Act 1977, which outlaw discrimination by landlords on grounds of colour, race, ethnic or national origin, sex, marital status, or religious or ethical belief.

454. Part III of the Act established a mediation service (administered by the Housing Corporation) to facilitate the resolution of disputes between landlords and tenants. Landlords and tenants are encouraged to resolve disputes themselves using a trained mediator from the Corporation's service, rather than proceeding to a formal court hearing. Where mediation is unsuccessful, however, either party may take their case to the Tenancy Tribunal established under the Act, administered by the Department of Justice. The jurisdiction of the Tribunal is set out in section 77 of the Act.

455. Both the mediation and tribunal services have been in heavy demand since the Act came into force. In 1988/89, 17,828 applications were received, compared with 10,994 in 1987/88. Of those, 10,728 were resolved by mediation and 7,100 went to a formal hearing of the Tenancy Tribunal, resulting in most cases, in a court order. To date, the Tribunal has not received any cases relating to discrimination under section 12 (and cases of discrimination on other grounds are dealt with by the Human Rights Commission or the Office of the Race Relations Conciliator). The most common reason for applications from landlords was for termination of tenancy for rent arrears, while applications from tenants mainly concerned the return of bond money.

456. Other features of the 1986 legislation include increased security of tenure for tenants, landlords being required to give tenants 90 days' notice to quit in most cases. Balanced against this are quicker eviction procedures for landlords, where the tenant is in serious breach of the tenancy. The Act also established a fund in which bonds payable by tenants are held in trust by the Housing Corporation. Interest from investment of this fund finances the Corporation's tenancy bond division, which administers the Act. While landlords may legally charge up to four weeks' rent as a bond, they must lodge any money received for that purpose with the tenancy bond office, together with a bond payment form signed by both landlord and tenant. Section 22 of the Act sets out procedures for the payment of claims against the bond. In cases where landlord and tenant disagree on the payment of a claim for damage to property, unpaid rent etc, the matter may be referred to the mediation service for resolution.

457. Tenants are protected under the Act against excessive rents or too frequent rent increases. Section 25 enables the Tenancy Tribunal to make orders reducing a tenant's rent to a level in line with market rates. Market rent is defined in the Act as "the rent that, without regard to the personal circumstances of the landlord or tenant, a willing landlord might reasonably expect to receive and a willing tenant might reasonably expect to pay for the tenancy, taking into account the general level of rents for comparable tenancies of comparable premises in the locality ..." Orders set by the Tribunal normally remain in force for six months.

458. In general, landlords may not increase rents more than every six months. Landlords are entitled, however, to increase the rent when they grant a new tenancy, even if the date of the increase falls within six months of the last increase for the previous tenant.

459. Landlords may also seek the Tribunal's approval to increase rent where substantial improvements have been made to the property or where large unforeseen expenses arise.

460. The tenancy bond division of the Housing Corporation has prepared a booklet entitled "Renting and You", to familiarize landlords and tenants with the provisions of the Residential Tenancies Act.

6. Statistical and other data

461. Tables 9 and 10 show the average weekly expenditure on household (1982-1989), and the types of tenure of occupied private dwellings (1976-1986).

462. In addition, a wide range of statistical tables relating to the housing situation in New Zealand in the period 1981-1987 is contained in the report of the National Housing Commission.

463. The New Zealand housing scene is characterized by a high ratio of homeowners. Figures from the latest census (1986) show that nearly 73 per cent of all dwellings were owner occupied. The remaining 27 per cent of households rent housing from the private sector, Housing Corporation or local authorities; or (a small but growing number) stay in hostels, institutions, boarding-houses or group housing facilities run by community-based agencies. Rental housing caters for people at all income levels but especially for households below the median market income levels. Nearly 36 per cent of rental housing is provided by the public sector, chiefly by the Housing Corporation but also by local authorities and other Government departments.

464. The Housing Corporation sets targets to house specific numbers of households per year. In 1988-89 it exceeded by 1,500 households its target of 23,500.

Table 9

Average weekly expenditure on household 1982-83, 1985-86, 1988-89

Average weekly household expenditure ($) *			Per cent of total net expenditure		
1982-83	1985-86	1988-89	1982-83	1985-86	1988-89
53.10	84.95	115.45	18.5	20.4	20.7

Source: New Zealand Household Income and Expenditure Survey, 1982-83, 1985-86, 1988-89

* Averages have been rounded to the nearest five cents.

Table 10

Tenure of occupied private dwellings 1976-86

Tenure	1976 1/		1981		1986	
	Number	%	Number	%	Number	%
Owned with mortgage	387,340	(41.8)	423,362	(42.2)	446,250	(41.4)
Owned without mortage	255,457	(27.6)	287,343	(28.7)	339,420	(31.5)
Rented or leased	248,778	(26.8)	253,389	(25.3)	249,897	(23.2)
Provided rent free	31,574	(3.4)	33,528	(3.3)	30,585	(2.8)
Not specified	3,335	(0.4)	5,388	(0.5)	11,853	(1.1)
Total	926,484	(100.0)	1,003,113	(100.0)	1,078,002	(100.0)

Source: Census of Population and Dwellings 1976, 1981, 1986, Volumes on Dwellings, Department of Statistics.

1/ In addition to the New Zealand total of 923,251 occupied permanent private dwellings, this table includes a further 3,227 occupied temporary private dwellings.

VII. ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Principal laws

465. The principal laws concerning the right to physical and mental health are:

(a) The Health Act 1956 and amendments;

(b) The Social Security Act 1964 (Part II) and amendments;

(c) The Medical Practitioners Act 1968;

(d) The Mental Health Act 1969;

(e) The Clean Air Act 1972;

(f) The Accident Compensation Act 1982;

(g) The Area Health Boards Act 1983 and amendments.

General

466. Important legislation of the 1930s formed the basis for New Zealand's health services, and the underlying principle of State responsibility to ensure that health care should be equally accessible to all remains strong. Over the years a system of extensively State-funded services has been developed, the public sector overlapping at important points with the private and the voluntary sectors. For example, hospital care is provided free of charge for all major and immediate medical needs; while the primary health services of general practitioners are provided on a fee-for-service basis with the State paying part of the fee through a benefit. Except for a small element of benefits under the Accident Compensation Scheme, public sector funding of health services comes from general taxation. Public sector health services and benefits are universally available.

467. The adoption of the Accident Compensation Act 1972, and its amendment in 1982, was a major development in the New Zealand health system. The most significant other piece of legisation enacted during the period under review is the Area Health Boards Act 1983.

468. During the past decade, the funding and organization of public health services have been the subject of ongoing debat and controversy. Overall economic policies for greater efficiency and restraints on Government spending, together with the recognition that existing policies, though well intentioned, were not yielding the best results for all sectors of the society, have made it necessary to review funding and administration services, and indeed to scrutinize the appropriae role for Government in those areas.

469. The New Zealand Health Charter, adopted in 1989, is based on the Government's recognition of the right to health for all New Zealanders. The Charter states the Government's commitment to maintain a nationwide, publicly funded health system, with essential health care universally accessible, acceptable to individuals and the community, and affordable for the country. The Charter sets out 10 health goals for priority attention to the year 2000, and sets targets for specific outcomes in each of those areas. A copy of the

Charter, and New Zealand Health Goals and Targets, is provided among supplementary papers. Further detail is included in the following sections.

B. Health measures

1. Measures to reduce the stillbirth rate and infant mortality

470. Information provided in the report under preceding articles is also relevant. For example, policies for the provision of free pre-natal and post-natal care (art. 10) are an integral part of measures to reduce the stillbirth rate and infant mortality. Programmes to tackle housing problems (art. 11), especially the problems experienced by Maori and Pacific Island families in urban areas, recognize also the links between poor housing and childhood diseases or infant mortality. Aspects of the immunization programme described below are also relevant.

471. The Department of Health has responsibility for policies to improve the status of infant health in New Zealand, with particular emphasis on reducing the infant mortality rate. Sudden infant death syndrome (cot death) which accounts for the majority of infant deaths (and for which New Zealand has the highest incidence rates of any developed country) continues to be a priority area for the Department's work. It is to be added to the list of the New Zealand Health Goals and Targets as a matter of priority, where specific targets will be set, once the results of current research are available.

472. As indicated in tables 11 and 12, stillbirth and infant mortality rates are higher for Maori children. The Department of Health emphasizes the need for culturally appropriate strategies to tackle this problem, and greater efforts are being made to ensure the involvement of Maori in planning strategies. Examples of programmes to improve awareness of cot death risk are marae-based clinics and educative strategies through kohanga reo (language nests).

473. The Department is also working on the establishment of a standardized national perinatal database which will form the basis for further information gathering on child health.

2. Measures taken for the healthy development of children

474. As noted in the report under articles 9 and 10, many programmes of the Department of Social Welfare under the Social Security Act, particularly in the field of social work, have the goal of assisting families facing economic and social difficulties, as well as of providing better care and maintenance of children, especially neglected or disadvantaged children, or those in the care of the State.

475. Under section 29 of the Area Health Boards Act 1983, every area health board is required to appoint a service development group to advise it on child health (as well as on other health areas).

476. Apart from Government health agencies, a range of other organizations provide assistance to parents on the healthy development of children. Significant amounts of Government funding are provided to some of these voluntary agencies through the Department of Health. Chief among them is the Royal New Zealand Plunket Society, whose activities are largely financed from its own fund raising, supplemented by annual Government grants ($18 million in 1988-89).

Table 11

Neonatal deaths by ethnicity, 1967-86

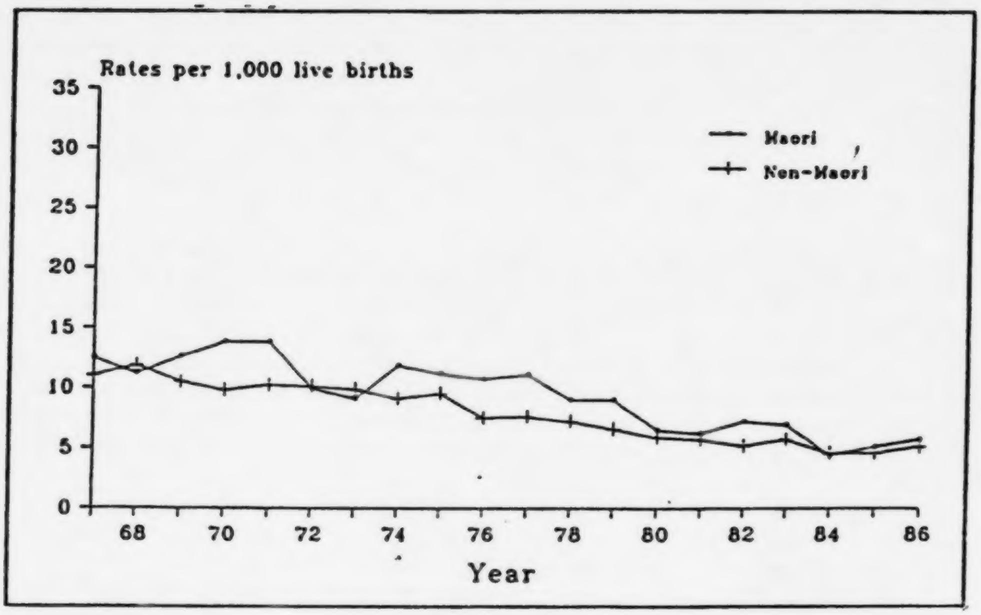
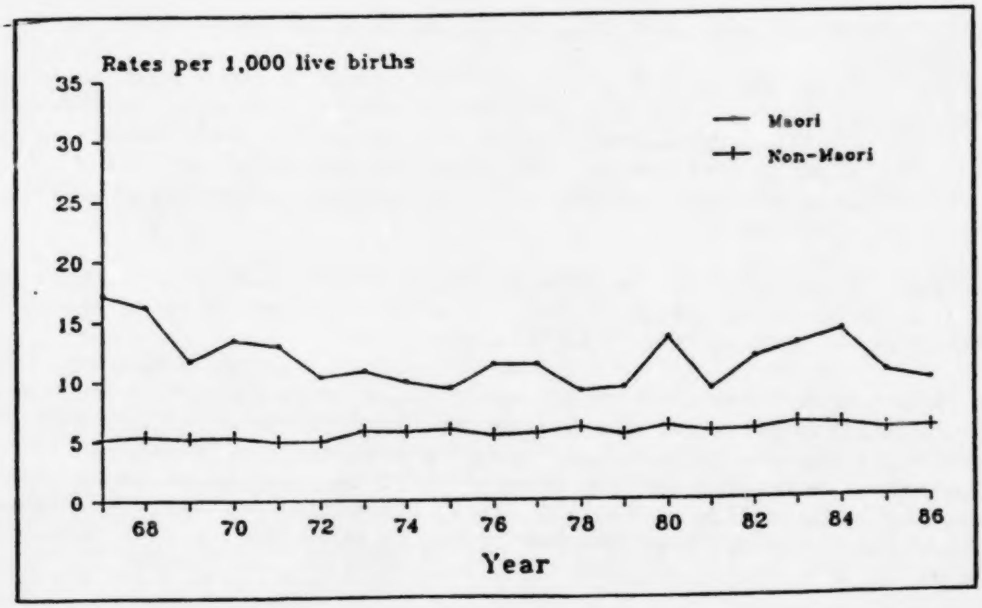


Table 12

Post-neonatal deaths by ethnicity, 1967-86



477. The area health boards, health development units of the Department of Health, and the Plunket Society provide a comprehensive child health service with a focus on prevention. Examinations by doctors are recommended (and are provided free, funded by the Department of Health) at about six weeks of age and again at nine months, and whenever there is anxiety about acute or chronic illness or development. The Plunket Society provides most preventive community health nursing services to infants and pre-school children. The Society runs clinics, family support units and new mothers' support groups, and its nurses visit new mothers at home. In addition, public health nurses based in area health boards' health development units are involved in many aspects of preventive, educative and monitoring child health activities.

478. In addition to nursing services provided in the child's first year, developmental health checks are recommended at 18 months and three years. Hearing tests in the pre-school period are also recommended. When necesssary, children are referred to family doctors, or to medical officers or community paediatricians employed by the Department of Health.

479. Section 125 of the Health Act provides for area health board medical officers to examine schoolchildren or children in child-care centres, and to notify their parents or guardians of any condition affecting the child's development, or of any disease or defect from which the child may be suffering. A consultative service is accordingly provided to schools by public health nurses with special emphasis on the health supervision of handicapped children, and with referral as necessary. Public health nurses examine and assess the health of all children starting school, with parent participation encouraged. Hearing and vision tests are performed at school entry and at subsequent intervals, or on request.

480. Child health remains one of the chief concerns of the recently restructured public health system. Several of the Health Goals and Targets of the new Health Charter have a specific focus on child health, especially on particular problem areas. Targets and strategies as well as monitoring processes have thus been developed in relation to the goals for hearing, nutrition, asthma and motor vehicle accidents. For example, chronic hearing loss affects up to 10 per cent of children, mainly as a consequence of acute middle-ear infection (otitis media). Poor hearing adversely affects speech, educational and social development. As chronic otitis media is inversely associated with socio-economic status, Maori and Pacific Island children are at higher risk than others, though the infections are preventable. The Health Charter sets a target of reducing the failure rate on school entry hearing tests to 8 per cent or less by 1995 and to 5 per cent or less by the year 2000.

481. Under the Dental Act 1988, free dental care is available to all children from 2 1/2 years to 16 years of age, or 18 years if still dependent. Dental care is delivered by means of the school dental service for primary and intermediate school children, and dental benefits for adolescents. The Department of Health also produces dental health education material for the school dental service and for general use in the community.

482. The Children's Health Camp Act 1972 governs the administration of seven permanent camps for the short stay placement of children convalescing after illness, for those whose physical health is unsatisfactory, and for those suffering from minor emotional disorders. Public health nurses refer children to camps, where medical officers undertake general health supervision. The

daily routine of camp life is designed to benefit children with its balance of free activity, rest and sleep, as well as nutritious diet. School classes emphasizing remedial teaching are maintained by the Ministry of Education. Approximately 4,700 children attend the seven health camps in any one year.

483. The Ministry of Transport has a programme for the promotion of child car-seat safety and general aspects of road safety for children.

484. Section 64B of the Hospitals Act 1957 provides for the establishment of family health counselling centres by hospital boards, for the purpose of improving the standard of family health.

3. Environmental and industrial hygiene

485. A comprehensive review of legislation relating to the use of resources, the environment, and occupational safety and health has been conducted between 1985-89. Draft legislation covering, inter alia, pollution and industrial hygiene in the workplace is currently before Parliament in the Resource Management Law Reform Bill.

486. The new legislation will not change the provisions of the Health Act 1956 and the Area Health Boards Act 1983. The Department of Health will continue to provide key policy advice to the departments responsible for administering the new legislation in respect of environmental and industrial hygiene and the prevention of pollution.

487. Under present legislation, local authorities are responsible as part of their public health duties providing sanitary works, for the abatement of nuisances and conditions which are injurious to health, for the regulation of "offensive trades", and for the control of air pollution from small industries. Section 25 of the Health Act empowers local authorities to provide drainage, public sewage disposal, refuse collection and other related services under the definition of sanitary works. Section 29 of the Act defines the various forms of nuisance, relating to drainage, vermin, dampness, overcrowding, noise, ventilation, smoke, etc in respect of which an offence may be committed. Section 33 describes the proceedings in respect of nuisances, under which the district court may make orders for rectifying them.

488. Local authorities must appoint health inspectors qualified under the Health Inspectors' Qualifications Regulations 1975. Where a local authority is too small to need a full-time inspector, it may combine with another authority to share the cost of employing one.

489. The Department of Health, through area health boards, supports and provides advice to local authorities on the monitoring and improvement of environmental hygiene and pollution control. Programmes operated by the Department in this area include health protection services, periodic surveys of environmental and industrial hygiene conditions, air pollution control, financial incentives for other authorities, and staff training.

490. Public water supplies are graded in respect of the quality and protection of the source water, the treatment method and the management of the plant every five years. Local and regional authorities have since 1969 been eligible for a subsidy from central Government, provided through the Department of Health, to improve water supplies and solid waste management based on health criteria, and to encourage fluoridation.

491. Emphasis is now being given to subsidies for the development of hazardous waste disposal facilities. The Department of Health has prepared several codes of practice and guidelines to improve knowledge of hazardous substances and their controlled disposal. For example, over recent years an inventory of all polychlorinated biphenyls has been established which permits improved management of their disposal.

492. Increasing numbers of tourists are visiting New Zealand and the Department of Health is encouraging the building of waste disposal facilities by various authorities for mobile camper vans and for casual campers.

493. Land use is classified by local Government under the Town and Country Planning Act 1977. Legislation has the object of ensuring the rational progress of urbanization, with allowance made for adequate recreational and industrial facilities.

494. Section 3 of this Act declares a number of matters to be of national importance, and directs that, as such, they are to be recognized and provided for in the preparation, implementation and administration of regional, district and maritime schemes. The matters of national importance are:

(a) The conservation, protection, and enhancement of the physical, cultural and social environment;

(b) The wise use and management of New Zealand's resources;

(c) The preservation of the national character of the coastal environment and the margins of lakes and rivers, and the protection of them from unnecessary subdivision and development;

(d) The avoidance of encroachment of urban development on, and the protection of, land having a high actual or potential value for the production of food;

(e) The prevention of sporadic subdivison and urban development in rural areas;

(f) The avoidance of unnecessary expansion of urban areas into rural areas or adjoining cities;

(g) The relationship of the Maori people and their culture and traditions with their ancestral land.

495. A Ministerial portfolio for the environment and a Commission for the Environment were established in 1972. In 1985 the Commission was replaced by a full Ministry for the Environment. Under the terms of the Environment Act 1986, the Ministry provides the Government with advice on environment policy issues. The overall mission or goal of the Ministry is to ensure that natural and physical resources are managed to sustain and enhance environmental quality and human wellbeing. The Ministry advises and recommends the processes to be followed in meeting the requirements and overall administration of environmental protection and enhancement procedures.

496. The Environment Act 1986 also established the Office of the Parliamentary Commissioner for the Environment, as an Officer of Parliament. The Commissioner acts as an environmental ombudsman, undertaking audits of environmental impact reports on projects of major environmental significance. Members of the public can raise any matter of concern about the effects of pollution etc.

497. Industrial air pollution is controlled under the Clean Air Act 1972. Premises known to emit air pollutants are licensed and occupiers are required under section 7 of the Act to use the "best practicable means of control" for containment. (The draft resource management legislation currently before Parliment provides for an integrated approach to the control of all forms of pollution using the "best practicable option" principle). The Department of Health is responsible for licensing about 350 major industrial processes, and local authorities control about 1,000 smaller processes. All licensed premises are monitored to ensure they meet their licence conditions. Air is also monitored regularly near most population centres. The Act provides for penalties for offences against its provisions.

498. Clean air zones may be created under section 12 of the Clean Air Act where pollution is severe enough to warrant special controls on the emission of air polllutants. Such zones have been established for Christchurch City and surrounding urban areas because of a particular problem with domestic coal smoke. The Act provides for the control of domestic heating appliances and for grants to help with the costs of installing electric space and water heaters as a means of reducing coal smoke emissions from domestic fires.

499. New Zealand is a nuclear free country. A Royal Commission of Inquiry into Nuclear Power Generation in New Zealand in 1978 concluded that it was unlikely that New Zealand would need to commission a nuclear power station before the turn of the century, or possibly for many years beyond that. The environmental consequences of a possible unforeseen nuclear accident were one of the Commission's concerns. New Zealanders have shown a continuing concern over nuclear issues in general, which were reflected more recently in the enactment of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act in 1987.

500. The use of radioactive materials such as it is, is regulated by the Radiation Protection Act 1965 and Regulations 1973, administered by the National Radiation Laboratory. Prior approval must be obtained for the import or export of any radioactive material. Each owner or irradiating apparatus (source of X-rays) or radioactive material must ensure that they are used only under the control of a licensed person. The Laboratory provides licensees with monitoring, advisory, calibration and other services to promote radiation safety. Trained officers regularly visit all places where sources of ionising radiation are used, and a service is available for measuring the exposures received by radiation workers.

501. Toxic substances used in New Zealand must be registered under the Toxic Substances Act 1979. Importers of toxic substances must notify the Department of Health prior to importation. The Department can then demand a detailed report on the substance.

4. Comprehensive schemes including vaccination programmes to prevent, treat and control epidemic, endemic, occupational and other diseases and accidents in urban and rural areas

502. The Department of Health is responsible for programmes to reduce or control the spread of communicable diseases, and for promoting immunization policies and programmes, including the provision of the necessary vaccines.

503. The Health Act 1956 and enabling regulations govern the notification and other aspects of control of the spread of infectious/communicable diseases. Special powers are given to the Medical Officer of Health under section 70 of the Act to prevent the outbreak or spread of any such disease.

Immunization policy

504. In line with World Health Organization policy, New Zealand gives emphasis to the importance of primary health care, and this is especially appropriate in relation to immunization. The Department of Health several years ago began issuing a free "Health and Development Record" booklet to parents at the birth of their child. The booklet sets out clearly the types of immunization recommended and when they are due, and when filled out provides parents with a complete record of immunizations given to each child. This system has proved very successful. Immunization is carried out mainly by general practitioners or their practice nurses. A Government subsidy is paid when a doctor carries out an immunization procedure. A subsidy is also provided for the hire of practice nurses, who may take on health education and health promotion activities in the practice as well. Vaccinations are also carried out by public health nurses employed by the Department of Health, or by Plunket nurses, where families are having difficulty getting to a general practitioner.

505. When their children start school, parents complete a questionnaire giving details of the child's immunization status. Children who have not yet been adequetly protected are then offered immunization by pulblic health nurses. Rubella immunization of all girls aged about 11 years is routinely offered by public health nurses. This coverage will in late 1990 be extended to all children in a combined mumps, measles, and rubella vaccine to replace the measles vaccine at 15 months of age.

506. New Zealand has a significant prevalence of Hepatitis B (though this was not fully appreciated until the late 1970s) and has responded with a radical, extensive immunization programme.

507. Data collected in a 1985 study using sera collected in each of New Zealand's 18 health districts showed a prevalence of Hepatitis B antibody in Europeans of 10 per cent with a 2 per cent carriage rate, and in Maoris of 25 per cent with a 6 per cent carriage rate. The prevalance in the north of the North Island was approximately three times that of the South Island.

508. New Zealand has developed an immunization programme based on a low dose vaccine. From 1988, all newborn babies became eligible for free immunization, babies of carrier mothers being given full dose vaccine. Free immunization is also offered to the household contacts and sexual partners of women identified as carriers during ante-natal screening. The Department of Health is also immunizing all pre-school children as a once-only catch up programme, in view

of their high risk of infection leading to the carrier state. In a further extension of the programme from February 1990, the Department offers free vaccination of all children under the age of 16 years and the sexual partners and household partners of all carriers. This programme is being conducted primarily by general practitioners (as well as private agencies in some areas) and will be complemented by specific programmes for high risk communities by some area health boards.

509. An epidemic of Group A meningococca meningitis occurred in the mid-1980s in the Auckland region. Notifications increased in 1986 with 190 cases and 16 deaths reported, of which 134 cases and 11 deaths occurred in the Auckland area. A vaccination programme was conducted by the Department of Health in 1987/88. Over a six week period in May 1987 children from 3 months to 12/13 years were offered free immunization, a successful programme with about 90 per cent of the target group being reached. A mop-up programme in February 1988 again offered the vaccine to Auckland children in the same age group who had not been reached during the 1987 campaign. Community health workers played a major role in the second stage of the campaign. On the basis of the resulting extensive coverage of the target group, epidemiological control was achieved, and notifications of the disease have returned to "normal" endemic levels.

510. Information on immunization coverage is based on the claims for payment sent in by doctors, local population data, vaccine distributed from sera stores, answers to questionnaires completed by parents of school entrants, five yearly Schick testing programmes and serological studies. The variety and complexity of collection and recording methods used give only an imprecise picture of coverage. Estimated figures are given in tables 13 and 14.

Table 13

Percentage of Children Immunized

	1987	1988
(a) By General Practitioner/Department of Health		
Triple vaccine	69	71
Double vaccine	81	not available
Poliomyelitis vaccine	75	70
Measles vaccine	67	85
(b) By School Immunization Statistics*		
Fully protected (diphtheria, tetanus, poliomyelitis, measles) at school entry	71	64
Fully protected after school immunization programme	90	82

* Statistics were not available from some districts, therefore 1987 statistics give a more complete picture.

Table 14

Percentage of Children Protected against Diphtheria

	1987	1988
By Schick testing of primary school children 1978-1982 aged 5-11	92	

The 1985 National Immunization Survey showed an overall seroprevalence rate for morbilli of about 80 per cent for 5 year olds.

511. On the recommendation of the Communicable Disease Control Advisory Committee (which advises the Minister and the Department of Health), a national immunization register requirement study was completed in 1988 to define an adequate basis for better data collection and processing. It is hoped to implement this register in 1991 with the aim of introducing a more efficient and effective follow up mechanism, enabling higher immunization coverage especially of those most at risk.

512. The incidence of diseases targeted through the immunization programme is known for poliomyelitis, diphtheria and tetanus because of the statutory requirement to notify them. Measles and pertussis are not notifiable, so information on their prevalence depends on voluntary reporting by doctors and hospital admissions. The following table shows the average number of cases of diphtheria, tetanus and poliomyelitis notified over five yearly periods 1940-1979, and annually since 1980.

Table 15

Diphtheria, Tetanus and Poliomyelitis

Average Number of Cases/Annum Notified over Five Yearly
Periods up to 1979 and Annually since 1980

	DIPTHERIA	TETANUS	POLIO
1940-1944	587	19	56
1945-1949	675	19	316
1950-1954	67	30	287
1955-1959	29	32	347
1960-1964	5	24	45
1965-1969	6	15	0
1970-1974	6	9	2 in 1970
1975-1979	2	6	1 in 1977
1980	1	2	0
1981	0	4	0
1982	1	5	0
1983	4	5	0
1984	2	7	0
1985	0	3	0
1986	1	3	0
1987	2	4	0
1988	0	1	0

513. There is an active anti-immunization lobby in New Zealand. This has on occasion caused difficulties where urgent immunization procedures are required, such as the meningococcal meningitis campaign. On the other hand, its role may also be seen as useful in stimulating debate and programmes to ensure parents receive accurate information about immunization.

Diseases and accidents

514. As noted earlier, many of the health problems experienced in New Zealand are preventable, stemming from lifestyles including dietary and environmental factors. Recognition of this is reflected in the New Zealand Health Goals and Targets.

515. For instance, tobacco smoking is the most preventable cause of death in New Zealand. Fifteen per cent (4,000) of all deaths in people aged between 15 and 60 years are caused by cigarette smoking each year. Twenty per cent of all cancer deaths and about 1,800 heart disease and stroke deaths each year are caused by smoking. Rates of smoking for Maori people are higher than for others, with a correspondingly higher incidence of related diseases. Present strategies to reduce smoking include legislative restrictions on tobacco advertising and promotion, and requirements for smoke free zones; restrictions on sale of cigarettes to children; anti-smoking education programmes; and taxes on tobacco. Under the Smoke Free Environment Act 1990, all local media advertising of tobacco, and indirect advertising through sponsorship (e.g. of sports) is banned in New Zealand.

516. Cervical cancer has become a priority for the Health Department in recent years. Incidence of the disease is increasing in women under 40 years of age, and rates are almost three times as high for Maori women as for non-Maori. Following a journalistic investigation of treatment and monitoring of cervical cancer at the National Women's Hospital in Auckland, a Commission of Inquiry was appointed in 1987 in which the Commissioner, Judge Silvia Cartwright, made a number of recommendations for changes to existing procedures, including the requirement for women to be given full information and the opportunity for involvement in decisions about their own treatment.

517. Based on another recommendation by the Inquiry, the Department of Health has recently developed a national cervical screening programme administered through the area health boards. A national coordinator for the programme was appointed in April 1990. Cervical cancer is one of the ten health issues addressed in the New Zealand Health Goals and Targets.

518. Unintentional injuries account for 5 per cent of all deaths in New Zealand and are the main cause of admission to hospital. The major causes of death in this category are motor vehicle accidents (52 per cent), falls (21 per cent) and drowning (8 per cent). Up to the age of 45, motor vehicle crashes are the major cause of all deaths. The New Zealand Health Goals and Targets include strategies for reducing unintentional injuries, and with regard to car accidents, call for an integrated strategy involving the Department of Health, the Ministries of Transport and Education, the Alcoholic Liquor Advisory Council (see below), and others. Medical rehabilitation is provided by public hospitals with cooperation from other agiencies. A small physiotherapy benefit is available for physio treatment recommended by doctors.

519. Alcoholism rates is a serious public health problem in New Zealand. It is estimated that 6 per cent of general hospital admissions and 20 per cent of psychiatric hospital admissions are alcohol-related.

520. The New Zealand Health Goal on alcohol misuse is to reduce alcohol-related health problems in New Zealand by reducing alcohol consumption. The target is to reduce the consumption of alcohol per person 15 years and over by 10 per cent by 1995 and by 20 per cent by the year 2000.

521. The Alcoholic Liquor Advisory Council was created under statute in 1976 to encourage and promote moderation in the use of liquor, to discourage its misuse, and to reduce the personal, social and economic consequences of its misuse. The Council is funded primarily from levies on alcohol, receiving $6.2 million in 1989. It conducts surveys of alcohol use, assists with hospital boards' establishment of assessment and treatment facilities, develops education resource material, and trains alcoholism counsellors.

522. The health sector including area health boards and the Alcoholic Liquor Advisory Council is the major funder of alcohol and drug education, treatment, rehabilitation, training and research. Area health boards will spend an estimated $15 million on this in 1990/91.

523. The Ministry of transport controls traffic on motorways and on most roads in New Zealand except in some cities and boroughs where it is controlled by local authorities. Though not part of the police force, traffic officers form a uniformed and disciplined enforcement body. Officers are able to use a wide range of tests where it is suspected that a driver is affected by drugs or alcohol, including the power of arrest. Breath testing may also be used. Wearing seat belts is compulsory, and motor cyclists and pillion passengers must wear safety helmets. All vehicles using the roads must be inspected every six months to ensure satisfactory mechanical and structural fitness.

524. The Ministry of Transport conducts extensive road safety education campaigns through the media and through special courses. The New Zealand Defensive Driving Council provides a safety course for all licensed drivers.

525. Policies to prevent the spread of AIDS have been developed in coordination with international agencies and community groups. AIDS was added to the list of infectious diseases requiring notification to the Medical Officer of Health in 1983. A blood screening programme was initiated in 1985.

526. Since October 1985, Elisa screening of donated blood has been carried out at the six blood transfusion centres in the country. Currently Wellcome HIV antibody test kits are used. Donors with HIV infection and those who may engage in high risk behaviour are discouraged from giving blood. So far the number of confirmed HIV antibody positive tests (through blood screening) is 14 (0.0015%). Since the donor screening programme was introduced there has been no known HIV infection related to blood transfusion.

527. The AIDS Foundation was established in 1984 to coordinate information/prevention programmes and has played a vital role, along with other voluntary and community agencies, in the campaign to limit the spread of AIDS in New Zealand. In 1990 the AIDS Foundation published an information booklet "Living with AIDS" for free distribution by general practitioners.

528. Information on measures to promote occupational health and safety is given in the report under article 7 (Right to Just and Favourable Conditions of Work).

5. Comprehensive plans and specific measures to assure to all age groups and all other categories of the population, including in particular in rural areas, adequate health services including adequate medical attention in the event of sickness or accident

529. As noted elsewhere under this section of the report, an extensive system of health benefits is universally available in New Zealand.

530. The New Zealand Health Charter referred to in the introduction to this Article has the overall goal of protecting and immproving the health of New Zealanders. The principles for health care set out in the Charter as the basis for the public health service are: respect for individual dignity, equity of access, community involvement, disease prevention and health promotion, and effective resource use. Ten health goals identified in the Charter address important causes of death, disease or chronic disability, in the areas of: smoking; nutrition; alcohol; high blood pressure; motor vehicle crashes; hearing; asthma; coronary heart disease/stroke; cancer (Melanoma and Cervical Cancer).

531. Specific target outcomes for the year 2000 which have been set for each goal will be given priority in health policies. This will entail changes in existing resource allocation patterns and increased coordination both within Government and between the State, private and voluntary health sectors.

Accident compensation

532. People resident in New Zealand, or visiting the country from overseas, are covered by the Accident Compensation Scheme for accident prevention, treatment and compensation. Its objectives as defined in the Act are to promote safety, to promote the concept of prompt and effective rehabilitation and to provide prompt, fair and reasonable compensation to every accident victim.

533. The Act is administered by the Accident Compensation Corporation (ACC), controlled by a board of up to directors of whom six are recommended by the Minister of Labour. ACC has regional and district offices throughout New Zealand. Under the compensation provisions of the Scheme, people are covered against personal injury by accident under a single comprehensive programme. Victims of motor vehicle accidents qualify for all benefits including earnings related compensation (provided they receive earnings in New Zealand). Details of benefits are given below.

Earnings related compensation

534. Payment of compensation for the loss of earnings is made at the rate of 80 per cent of normal average earnings at the time of the accident, subject to a maximum of $1,179 per week.

535. No payment is made for the first week after the accident but if it happens at work (including travel to and from work) an employer is generally required to pay an employee 80 per cent of normal earnings. ACC pays earnings related compensation thereafter, during any period of incapacity, to all earners regardless of how or where the accident occurred. Full compensation is paid during periods of total incapacity, and partial compensation during partial incapacity. In some special circumstances, compensation for loss of potential earnings may be awarded.

536. Full-time self-employed persons also qualify for loss of earnings at the rate of 80 per cent of normal average earnings, but only after the first week, whether or not the accident happens at work. To protect these people, who may have an artificially low income, there is a minimum level of compensation and the option of electing to have assessable income based on the average weekly wage.

537. Weekly payments generally cease at the age of 65, but can continue until the normal retiring age for a particular job.

Other compensation

538. Tourists and people not earning (people working in the home, children, students and retired people) are eligible for all other benefits under ACC. These include compensation for medical and hospital expenses, cost of transport to hospital, wages paid to an attendant or nurse, and reasonable expenses resulting directly from the accident. The injured person may also qualify for a lump sum payment for permanent loss or impairment of bodily function; for loss of capacity to enjoy life; for pain and mental suffering; or for disfigurement. In addition, people working in the home injured in an accident may, if justified, qualify for the cost of home help; or in certain circumstances the spouse may be compensated for loss of earnings while she or he takes on the work at home.

Fatal claims

539. In the event of a fatal accident, ACC pays reasonable funeral expenses. The dependent spouse of an earner who dies as the result of an accident can qualify for the first three-fifths of the earnings related compensation the deceased would have received had he or she survived, but totally incapacitated.

Mental health services

540. Mental health services are currently in a state of change. In particular, a shift is occurring from hospital based to community based psychiatric care, paralleling moves in other areas away from institutionalization. There has also been an increase in the number of psychiatric units in general hospitals (from 11 in 1974 to 17 in 1989). Hospital boards and community organizations are involved in setting up services in the community such as hostels and activity/day care centres. Community organizations are however hampered in such programmes by severe shortages of funds. The Department of Health encourages hospital and area health boards to support these groups locally from board funds. The aim of such policies is to improve access to treatment and support services and reduce the disruption to home and work life which could result from admission to a distant psychiatric hospital.

541. The National Mental Health Consortium was convened in 1988 by the Departments of Health and Social Welfare to address the issue of the provision of community based mental health services. The Tangata Whenua (indigenous people), Consumer and Consortium Reports make a number of recommendations in areas relating to funding, service delivery, crisis care, accommodation, daily living support, and staff training. The report is currently being considered by the Government.

542. The treatment of mentally disordered offenders has also been the subject of official concern. A number of inquiries, working parties and investigations have addressed questions relating to their treatment and who should be responsible for such people (in particular, with regard to the interface between the criminal justice system and the psychiatric hospitals).

543. Draft legislation currently before Parliament in the Mental Health (Compulsory Assessment and Treatment) Bill is designed to redefine the circumstances in which people may be subjected to compulsory psychiatric assessment and treatment, to define and provide better protection of the rights of such people, and generally to reform and consolidate the law relating to the assessment and treatment of the mentally ill.

Maori health

544. Health indicators for Maori, as compared with those for non-Maori, continue to reflect the overall lower levels of health experienced by Maori people. Maori health is a priority area for the Health Department. Planners now seek to ensure that programmes to tackle health problems particularly affecting Maori reflect a more integrated approach to health along lines of Maori traditional belief. According to that belief, spiritual, mental, and family wellbeing are important elements of the health of the individual and the wellbeing of the wider community. Several of the Health Goals and Targets address health problems which are more acute for Maori than non-Maori. Information on programmes to combat health problems such as sudden infant death syndrome and Hepatitis B, to which Maori are particularly vulnerable, has been given in preceding sections of this report. Further detail of strategies to improve the health of Maori is also contained in New Zealand's reports to CERD.

Women's health

545. Although women's health has not been a particular priority in New Zealand in the past, recent developments have brought increasing awareness of its complexity. Health policy now recognizes that specific groups of women such as Maori women and elderly women have particular health needs. Many of the Health Goals and Targets thus have special relevance for women. A National Advisory Committee on Women's Health Provides advice to the Minister of Health and the Department. The Ministry of Women's Affairs is also active in this area, with inputs to the establishment of the national cervical screening programme a recent priority. The Ministry in 1988 published "Women's Health: What Needs to Change", and collaborates closely with area health boards to help them meet the needs of women.

Health care for the elderly

546. People over 65 make greater use of health services than the rest of the population, and have higher rates of hospitalization, although this is often because of dependency rather than for medical reasons. In the provision of old people's homes and hospitals there is a considerable overlapping between the public, private and voluntary sectors. Private hospitals receive a Government subsidy for geriatric patients on a per patient per day basis, to the value of $27.75 per day. The Geriatric Hospital Special Assistance Scheme enables area health boards to place patients in private hospitals when no public hospital beds are available, and to claim reimbursement from the Department of Health. Patients are also required to pay part of the costs of the fees from their own income, but may keep assets up to a certain level.

547. The Department of Social Welfare provides a subsidy to meet the balance of fees charged by private and religious rest homes. This Special Rest Home Subsidy Scheme takes both assets and income into account. The asset limits are $5,665 for a single person and $11,330 for a couple. Until 1990, capital subsidies for buildings, improvements and fire protection systems were also available. Responsibility for this subsidy will transfer to the Department of Health with effect from 1 July 1990. Other subsidies are given towards the cost of day care services and staff salaries.

Rural health services

548. Surveys indicate an uneven distribution of General Practitioners, with rural and low income urban areas less well served than more affluent areas (where health needs may be less anyway). Since 1969, an incentive bonus has been payable to general practitioners (GPs) in designated rural areas. Elements of the bonus include an additional 10 per cent of the General Medical Services benefit, special Housing Corporation loans to help local authorities provide doctors' accommodation, a motor vehicle allowance, and subsidies for locum employment. Another scheme introduced in 1982 provides special loans to doctors to encourage them to set up practice in areas experiencing recurring doctor shortages.

549. District nursing services are provided free by all hospital boards, under the Social Security (District Nursing Services) Regulations 1964.

Other services

550. Student health services were introduced in 1957 for university students and later extended to teachers' colleges and technical institutes. Student health services may claim benefits additional to the General Medical Service Benefit.

551. The Department of Health encourages industry to develop preventive medical and nursing services and many industries employ an occupational health nurse. In some areas the Department's occupational health centres serve as a base for a preventive service to small industries, and in other visiting occupational health nursing services are provided. Area Health Boards are required to operate their own ambulance services unless they make separate arrangements with a subsidized voluntary agency. The Order of St John and the Wellington Free Ambulance are notable examples of such organizations.

6. Main features of existing arrangements for the provision of medical care and methods of financing them

552. Most medical care in New Zealand is provided by the public sector, with a growing role for the private sector, and a diverse range of services provided by the voluntary sector. Government funds are distributed by the Department of Health. The Department of Health operates under the Health Act 1956. It provides policy advice to the Minister of Health and administers health legislation and regulations. It promotes health and encourages cooperation on all health matters. The Department has responsibility for determining the numbers and kinds of workers needed to ensure an adequate health service. Training for health professionals is funded by the State.

Medical benefits

553. Information is available in the report under articles 9 and 10.

554. The bulk of medical services are publicly funded and provided. The public sector, through the area health boards, provides free treatment at hospitals for immediate and major medical needs. Outpatients at public hospitals also receive free treatment, and medical aids and appliances may also be provided free of charge.

555. The main benefit in the primary health area is the General Medical Services Benefit, introduced in 1941, which is a subsidy on doctors' consultation fees to patients. Doctors claim the benefit direct from the Department of Health on the patient's behalf. It is paid at differing rates for children and young people, beneficiaries, pensioners, the chronically ill, and ordinary patients. Subsidy levels are set by law on a dollar basis. Subsidy levels are $16 for a child, $12 for a beneficiary, and $4 for an adult. Patients meet the rest of the charge themselves (although if the consultation relates to an accident, most of the costs may be reimbursed by the Accident Compensation Scheme). In practice the fee subsidy is a relatively small proportion of the total cost: one consequence of this has been the significant growth of private health insurance in New Zealand.

556. The share of general practitioner services funded out of ACC has greatly increased in recent years. Between 1982 and 1986, the numbers of services reimbursed in this way grew from 1.8 million to 2.6 million, a 44 per cent increase (although the total number of consultations remained stable).

557. The escalation in costs of the scheme has sparked increasing public debate as to its viability under current arrangements. At the same time, it has been noted that the availability of fee reimbursement for accident related services, but not for those relating to chronic illness, has given rise to inequities. Consideration is therefore bieng given to changes to the system in order to extend its benefits to the chronically ill as well.

558. Other services are subsidized to varying levels. Maternity benefits cover the costs associated with childbirth including pre- and post-natal consultations. Home nursing is free when provided by a registered nurse or

midwife employed by an area health board or other approved organization. Most X-rays are subsidized if carried out on a doctor's recommendation, and free if taken in a public hospital. Essential vaccinations are free. In addition to the free dental treatment available to those under 16 (or under 18 if still dependent), public hospitals have dental departments which provide a free service to patients.

559. Specific benefits, usually as a contribution to initial costs and replacements, are available in various circumstances for artificial aids such as hearing aids or wheelchairs.

560. Patients pay a flat charge for prescribed pharmaceuticals of $2 or $5 according to population categories based on age, beneficiary status, and nature of the illness. In most cases, remaining costs are met from Government subsidy. The 1986 Health Benefits Review (see below) noted that, at $346.3m in 1985/86, pharmaceutical benefits were taking up nearly two thirds of the budget for primary care health benefits. Changes to existing arrangements were recommended to bring about greater awareness by all involved of the true costs of medication.

561. Treatment in public psychiatric hospitals run by area health boards is free, and hospital benefits are available for the costs of treatment in approved private psychiatric hospitals. As noted elsewhere in the report, the trend over recent years away from hospitalization or institutionalization of psychiatric patients, towards community-based care, has necessitated increased attention to the special housing and other needs of former patients. Problems associated with the transition from hospital to community care are still being resolved.

Private sector

562. The private sector in health includes general practitioners, practice nurses, dentists, pharmacists, physiotherapists, medical specialists and private hospitals. All their services are to some extent subsidized by State funding, as for example through the General Medical Services Benefit. All private health services are governed by the same legislation as parallel services in the public sector.

563. A feature of the New Zealand health scene during the period under review has been the growth in private health insurance, which as many as 1.3 million New Zealanders have taken out to reimburse the costs of their consultations with GPs, and to finance surgical and medical care in private hospitals. There are five medical care friendly societies in New Zealand. Members pay a premium in return for partial or full coverage of the cost of private hospital or private practitioners' services.

Voluntary sector

564. The voluntary sector makes a vital contribution to health care in New Zealand, and consists of organizations of all sizes. Some are organized nationally (or internationally). Larger agencies may run hospitals for the care of adults or children during the day. Some focus their activities on specific diseases or disabilities, e.g. Foundation for the Blind. Some

undertake research and educational programmes as well as providing support services. Particularly in the area of geriatric care, there is considerable overlapping between the private, voluntary and public sectors. Many elements of Government policy are aimed at encouraging community involvement and decentralizing health policy and service development. There is considerable Government funding of voluntary agencies, mainly by the Department of Health but also through related programmes of departments such as Social Welfare, Maori Affairs and Women's Affairs.

Area Health Boards

565. Efforts to improve coordination of services in the public, private and voluntary sectors culminated in the Area Health Boards Act 1983, which integrated public health agencies (hospital boards and district offices of the Department of Health) to form area health boards. The Act provides for two or more hospital boards to amalgamate to form an area health board. The primary objectives of boards are described in section 9 of the Act as:

(a) To promote, protect and preserve the public health, and to provide health services;

(b) To provide for the effective coordination of the planning, provision and evaluation of health services between the public, private and voluntary sectors;

(c) To establish and maintain an appropriate balance in the provision and use of resources for health protection, promotion, education, and treatment services.

566. Area health boards have now been established throughout New Zealand. They consist of up to 14 members elected every three years as representatives of the districts within the area covered by the board; and a number of appointed members. Through the introduction in 1989 of annual contracts between them and the Minister of Health, they are accountable to the Minister for their delegated responsibilities, as well as to the communities whose health interests they represent.

Methods of funding

567. The public sector meets over 80 per cent of the total cost of health care. For the 1989/90 financial year, $3,821,305,000 was allocated to the health sector. Funding is sourced from general taxation revenue. There is no specific tax for health spending.

568. The Accident Compensation Scheme is a social insurance scheme of a type possibly unique to New Zealand. As explained in an earlier section, funding of ACC is divided between general taxation, revenue, and levies on employers, the self-employed, and motor vehicle owners.

569. The steady increases in the cost of the scheme (to over $1,000 million in the year ended 31 March 1990) have led at various times to increases in the levies charged on employers or motor vehicle owners. Earners' levies received by the Corporation during the 1989/90 financial year, however, averaged $2.45

per $100 of payroll, an actual reduction of 6 per cent on the previous year. On the other hand, the rate for motor vehicle owners was increased from October 1989 by 14.5 per cent, to $114.50.

570. The employer pays levies on a risk-related scale, employees being classified by the employer for the appropriate levy according to the industrial activity in which the worker is engaged. During 1989, the levy classification system was reviewed and a new simplified structure introduced. It is based on 24 classes and 22 monetrary rates (cf 103 classes and 68 separate monetary rates under the old system). All those operations participating in a particular economic activity, e.g. agriculture or construction, pay a consistent levy in recognition of their involvement in that activity.

571. Levies for the motor vehicle accident scheme are collected when motor vehicles are registered or re-registered, normally once a year.

572. In the light of rapidly growing health expenditure in the late 1970s/early 1980s, hospital boards were required to accept a 1 per cent reduction in their allocation of funds in each of the financial years from 1979 to 1981. A population based method of funding area health boards for service provision began to be introduced from 1982 and was formally implemented in 1983, in order to improve equity of funding.

Health Benefits Review

573. In 1986 the Government appointed a Health Benefits Review team which presented its report, "Choices for Health Care" later that year. (A copy of the report is included among supplimentary papers). The Review's terms of reference were to ensure that the subsidization of health services, particularly in primary health services, contributes as effectively as possible to the Government's broad social and economic goals of equity and efficiency; and to recommend broad principles and directions for reform of existing benefits and related services. The Review Committee drew freely on the principles of the World Health Organization's strategy "Health for All by the Year 2000", which emphasizes individual and family responsibility, the role of lifestyle and environment on health, the importance of health promotion and illness prevention, the diversity of sectors involved in developing a healthy society, and the central importance of primary health care.

574. The Committee questioned many of the traditional assumptions about health care provision in New Zealand, and found that despite good intentions, a fair distribution of health care may not have been achieved. Access to care was easier for some than others, and services were allocated disproportionately. Moreover, New Zealand was not achieving results as good as those of other comparable countries, in terms of health standards. The Committee supported the continuation of a major role for the State in funding health care but pointed to the need for different approaches to resource management, and a more adequate information base, as steps towards better value for money in health care. It also saw a need for more involvement by health users in debates over future directions. Various strategies were examined against the criteria of efficiency and equity, and suggestions made in light of the New Zealand situation.

575. A number of pilot projects to explore alternative funding arrangements were announced later in 1986 under the Primary Health Care Initiatives Fund. Projects financed in this way included three "well women centres", two union health centres, two Maori community health worker projects, a rural practice nurse clinic can other community based initiatives. In 1989/90, $1,287,000 was expended under this Fund.

576. The funding of public health has been the focus of ongoing debate and controversy during much of the period under review. The disproportionately large share of funding absorbed by the secondary (hospital) sector has attracted growing attention. New ways of funding and managing primary medical services are being considered, in an effort to improve people's financial access to care, and to shift resources to primary care, especially disease prevention and health promotion activities. These concerns also undelie the New Zealand Health Charter and the goals and targets set for the coming decade.

C. Statistical and other data on the realization of the right to health

577. Tables showing the number of staff employed in public hospitals, and numbers of hospital beds (with rates per 1000 of population) for the period 1977-1986 are included as tables 16 and 17. A chart on infant mortality statistics is contained in tables 11 and 12 in section B under this article.

Table 16

Full-time equivalent staff employed in public hospitals 1977-1986

Year	FTE Staff numbers	FTE Staff Per 100,000 Mean population	Mean population
1977	46 897.5	1 492.3	3 142 600
1978	47 828.1	1 521.5	3 143 500
1979	48 888.1	1 558.0	3 137 800
1980	48 531.6	1 543.6	3 144 000
1981	49 602.3	1 571.3	3 156 700
1982	49 356.6	1 551.7	3 180 800
1983	48 841.4	1 516.0	3 221 700
1984	48 824.2	1 501.0	3 252 800
1985	48 312.6	1 476.8	3 271 500
1986	48 274.4	1 472.5	3 278 300

Source: Hospital Management Data, Years Ended March 1977-1986, National Health Statistics Centre, Department of Health; Vital Statistics 1987, Department of Statistics.

Table 17

Hospital beds available public private and totals 1977-1986

	Available Hospital Beds					
	Public institutions		Private institutions		Total	
	Number	Rate per 1 000 Population	Number	Rate per 1 000 Population	Number	Rate per 1000 Population
1977						
1978	17 736	5.6	5 119	1.6	22 855	7.3
1979	18 135	5.8	5 150	1.6	23 285	7.4
1980	17 517	5.6	5 164	1.6	22 681	7.2
1981	17 093	5.4	5 336	1.7	22 429	7.1
1982	18 328	5.7	5 506	1.7	23 834	7.5
1983	17 350	5.4	5 688	1.8	23 038	7.1
1984	17 189	5.3	5 809	1.8	22 998	7.0
1985	16 867	5.1	5 918	1.8	22 785	6.9
1986	16 495	5.1	6 042	1.9	22 537	6.9

Source: Hospital and Selected Morbidity Data 1971-86 National Health Statistics Centre, Department of Health.

VIII. ARTICLE 13: RIGHT TO EDUCATION

A. Principal laws

578. The principal laws concerned with the right to education are:

(a) The Education Act 1964;

(b) The Education Act 1989;

(c) The Adult Education Act 1963;

(d) The School Trustees Act 1989;

(e) The Maori Education Foundation Act 1961;

(f) The New Zealand Council for Educational Research Act 1961;

(g) The Pacific Islands Polynesian Education Foundation Act 1972.

B. Measures taken to promote the full realization of the rights of everyone to education

579. The New Zealand education system aims to achieve these goals through a variety of measures. Of fundamental importance is the recognition that education holds the key to personal and social development and should therefore be placed at the centre of all activities for national development. One aspect of this is that the principle of universal access to educational opportunities is entrenched in New Zealand's education laws, which have provided for compulsory free education since the last century.

580. An illustration of the central place given to education in New Zealand society is the fact that, while curbs on Government expenditure have been applied in almost all sectors in recent years, spending on education has been maintained and even increased in some areas.

581. Although legislation to guarantee equal access to education has been in place in New Zealand for many years, statistics have continued to indicate that some groups are benefiting less than others from the opportunities available, and are consequently at a disadvantage in developing their full potential within the society. Maori and Pacific Island people, and people from low income families, have generally speaking been less likely to succeed at school than others. Recent reforms at all levels of the education system (Before Five, Tomorrow's Schools and Learning for Life) specifically focus on equity issues.

582. Legislation to give effect to the primary and secondary education reforms was enacted in the Education Act 1989. Under section 61 of the Act, all schools must incorporate the national education guidelines into the charters which form the basis for all their activities. These guidelines are thus the core element of each charter. They reflect the Government's goals for education and are an expression of the national interest. Several aspects of the national education guidelines are directly relevant to the objectives of this part of the Covenant.

583. The first principle stated under the guidelines is that school Boards of Trustees accept that all students in any school under their control are to be given an education which enhances their learning, builds on their needs and respects their dignity. This education shall challenge them to achieve their personal standards of excellence and to reach their full potential.

584. The guidelines set down specific goals and objectives in relation to four areas: curriculum; community partnership; equity; Treaty of Waitangi. As a general principle, Boards of Trustees must endeavour to ensure that every child in the school has the best possible learning opportunity. Boards undertake to ensure that the school curriculum promotes every child's awareness of the dual cultural heritage of New Zealand and the multicultural nature of its society. As a specific objective, Boards accept the obligation to prepare every learner to make the transition to full membership of New Zealand society.

585. The guidelines list four specific goals to achieve equity in education. These are:

(a) That the school curriculum should be non-sexist and non-racist and that any disadvantage experienced at the school by students, parents, or staff members because of gender or religious, ethnic, cultural, social or family background is acknowledged and addressed;

(b) That each school should seek to achieve equitable objectives for students of both sexes; for rural and urban students; for all students irrespective of their religious, ethnic, cultural, social, family and class backgrounds; and irrespective of their ability or disability;

(c) That schools should provide role models, such as girls, women and people from different ethnic groups in positions of leadership and authority, and boys and men as caregivers, so that children can understand the meaning of equity in behaviour they observe from day to day;

(d) That schools should develop policies and procedures which aim to eliminate any sexual harassment of students, parents, or staff members, and should provide procedures to handle complaints in this area.

586. With regard to the Treaty of Waitangi, the national education guidelines have the goal of fulfilling the intent of the Treaty by valuing and reflecting New Zealand's dual cultural heritage. Specific objectives to achieve this include ensuring that the curriculum reflects Maori perspectives, and providing opportunities for students who wish to learn the Maori language and culture. Boards of Trustees also undertake to provide for students whose parents wish them to be educated through the Maori language, and to recognize Maori values in the provision of resources and facilities within the school.

587. Growing awareness throughout New Zealand society of the significance of the Treaty of Waitangi has provided a new focus for efforts to promote tolerance, understanding and friendship, and full participation of everyone in the society. These themes have come strongly to the fore in 1990, the year of New Zealand's sesquicentennial anniversary commemorating the signing of the Treaty. Most schools have organized special activities to mark the year.

588. The Women's Advisory Committee on Education (established in 1985 as the successor to the National Advisory Committee on Women and Education) comprises representatives of relevant interest groups and government departments. The Committee has a consultative role in the education reform process and provides policy advice to the Minister of Education. In 1988 it prepared a national policy for the education of Women and Girls in New Zealand, recommending ways of removing inequities in the education system affecting women and girls. The Committee has paid special attention to the education of Maori women and girls.

Curriculum

589. Within the school curriculum, educational needs in the area of personal development and social skills are met by teaching in all subjects, with special emphasis in core subjects such as social studies and health education. These are taught at all primary and intermediate schools, and at 3rd and 4th Form levels in secondary schools.

590. The general objectives of both social studies and health syllabuses include the aim of helping students:

(a) To develop those ideas and skills that will contribute to their understanding of themselves and their society;

(b) To think clearly and critically about human behaviour and values so that they make reasoned choices;

(c) To apply their knowledge and abilities to the welfare of mankind.

591. The Forms 1-4 social studies syllabus guidelines state: "Social studies is about people: how they think, feel and act, how they interact with others, and how they meet their needs and organize their way of life." The aim of social studies teaching is to commit students and teachers to respect human dignity, to show concern for others, to respect and accept the idea of difference and to uphold social justice. The guidelines include developing a student's "sense of personal identity" and fostering "participation in the affairs of the community". Each Form level is organized around a particular social theme, namely: cultural difference, social interaction, social control, and social change. Teachers are encouraged to adopt a comparative and inquiring approach, using studies from New Zealand settings and some from other societies.

592. The health syllabus covers both primary and secondary schools. It aims to develop self esteem in children and young people as well as to provide them with skills and experiences that engender respect for others, and the ability to interact with family, peers and the wider community in a way that is healthy and satisfying.

593. Both the Human Rights Commission and the Office of the Race Relations Conciliator have important educational responsibilities under their enabling Acts. They have developed programmes within schools and other teaching institutions, as well as in the wider community. The Ministry (and before that the Department) of Education has worked with both Offices to develop a range of teaching modules. For example, in 1989 the Human Rights Commission released a publication "Equal and Different" as a resource material for

teachers. The booklets were written by teachers in association with the Department of Education. The publication discusses human rights and responsibilities and is designed to support non-sexist and non-racist curriculum requirements. The material is presented in three booklets, for primary, intermediate and secondary schools, designed to fit into current social studies and English syllabuses. The publication deals with issues of the day and has been received as a valuable addition to the work already being undertaken in many New Zealand schools in these areas.

594. Officers from both the Human Rights Commission and the Race Relations Office undertake visits to schools (as well as polytechnics and universities) throughout the year. They address students on the work of their Offices and also regularly meet teachers and teacher organizations to discuss teaching in the human rights and race relations fields.

595. One of the special programmes of the Race Relations Office is the Secondary School Students Exchange Programme. For periods of a school term, students move to schools and communities which are ethnically and culturally different from their own, and live with families of different ethnic character from their own.

596. Collaboration between teachers and the Race Relations Office has been further strengthened in recent years by the secondment of a teacher to the Auckland Office of the Conciliator.

597. Education officials also work with other government departments and voluntary agencies such as the United Nations Association of New Zealand to develop programmes in schools for the promotion of awareness of United Nations activities in the field of human rights, conflict resolution, and peace. Examples are a poster competition organized for school pupils during International Year of Peace; and other similar projects to mark International Year of the Child and International Youth Year.

598. The Public Advisory Committee on Disarmament and Arms Control (PACDAC), established under the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, has given new emphasis to the importance of peace education. Along with other functions set down in the Act, the Committee makes recommendations about the allocation of funds from the Peace and Disarmament Education Trust Fund, to the Fund's trustee, the Secretary Of Internal Affairs. (This trust was set up specifically to advance the cause of peace and disarmament education in New Zealand). The Committee has worked with education officials and various non-governmental agencies to further public awareness of initiatives for the promotion of peace, both domestically and at the international level. In related activities, the Committee has supported visits by overseas peace activists, exchange programmes, satellite linkups, and participation at United Nations gatherings. In 1989 PACDAC undertook an investigation into the state of peace education in primary, secondary, and tertiary institutions for presentation to the Government through the Minister for Disarmament and Arms Control.

C. Primary education

Rights of everyone to compulsory and free primary education

599. Under the Education Act 1964, primary education is compulsory for all children at six years of age. Under the Education Act 1989, primary and secondary education is free for all children from age five, except those defined as foreign students, so in practice almost all children are enrolled at primary schools from that age. (Although education has in practice been free from age five for many years, this is set out in clear terms in the 1989 Act.) A foreign student is defined in the Act as a person who is not a New Zealand citizen and is either (a) a person to whom section 7 of the Immigration Act 1987 applies; (b) a person obliged by that or another Act to leave New Zealand immediately or within a specified time; or (c) a person deemed for the purposes of the Immigration Act to be in New Zealand illegally. Under section 4 of the Act, foreign students may under certain circumstances be entitled to enrol at State schools and, once enrolled, they have the same rights to remain enrolled as any other person.

600. The final two years of the primary course, Forms 1 and 2, may be taken at a full primary school, an intermediate school, an area school, or a Form 1-7 school depending on where the child lives.

601. Children living in very remote areas or unable for other reasons to attend an ordinary school may be enrolled in the New Zealand Correspondence School, which is a national school administered by a Board of Trustees composed of parents, community representatives, school representatives and a student. The School had 900 primary pupils on a total roll of 21,213 as at 1 July 1989. Of its total staff of 560, 96 are primary teachers. Lessons are provided in print, tape, and video modes. Regular radio broadcasts, club activities, a school magazine and parent and ex-pupil associations extend the school's work.

602. Whenever possible, children with physical or other disabilities are enrolled with other children in ordinary classes in their local primary school. In fact, under new provisions of the Education Amendment Act 1989, children with disabilities now have the explicit right to be enrolled at ordinary schools. It is expected that ultimately all school age children will be located in regular education settings and working on appropriate programmes. When necessary, buildings are modified, special equipment is provided, and ancillary staff are appointed to assist teachers. This legislation came into effect in January 1990. In June 1990 the Government announced the allocation of $5.1 million in additional funding to assist the "mainstreaming" process.

603. Reference should also be made to the report under article 10 (paras. 331-334 relating to special measures for the education of children in special situations), for information about the recently established Special Education Service (SES). A small number of children attend residential schools for periods of time ranging from one term to several years. Such schools are either funded directly by the Ministry of Education or by voluntary organizations such as the Society for the Intellectually Handicapped, with Government subsidies.

604. SES teachers are working towards providing a service to all children in their area with special learning needs rather than specializing in one type of difficulty such as children with a slower than average rate of academic learning. They are increasingly taking the service to the children in ordinary classes and programmes rather than withdrawing them to separate settings. Cooperatively written individual programme plans for each child on a special education roll are helping to coordinate the services, and inform and involve parents and caregivers.

605. The trend towards more widespread teaching of the Maori language in primary and secondary schools is continuing. At least 75 primary schools have official bilingual units, and there are 15 official bilingual State primary schools. Classes are open to all children and not simply those with a Moari background. Another important development, which will provide continuity in Maori language learning for the thousands of children who have attended kohanga reo (see earlier sections of the report, relating to art. 10) is the provision of "total immersion" classes. For that purpose, six kura kaupapa Maori (Maori language school) primary schools have been established, and indications are that more will follow.

606. A syllabus for Maori language in primary schools is being developed, and a range of reading materials at different levels is available. For example, eight picture books for early childhood have been produced in bilingual editions of Maori and English. Demand for Maori teaching resources has currently outstripped supply. However, handbooks to assist teachers in planning class programmes in Maori and a variety of supporting resources are in production, and measures to encourage more Moari speakers into teaching are also in place. (Reference may also be made to section I on this aspect.) The Minister of Education has convened the Runanga Matua (a ministerial Maori Advisory Committee), which is serviced by the Wahanga Maori (the Maori Education Unit) within the Head Office of the Ministry of Education. The allocation of education resources is closely scrutinized by both these groups to ensure equitable distribution for the achievement of Maori educational aims.

607. Pacific Island language materials are also produced. Some have been based on cooperative projects involving individuals and groups in the islands. A notable achievement in 1989 was the publication of 11 Tokelauan language books illustrated by Tokelauan artists, which are being used in schools in both New Zealand and Tokelau.

608. In 1979, the Government introduced a plan to ensure a ratio of one teacher to 25 pupils in primary schools with rolls of below 151 pupils. This policy was implemented over the three years to 1981, resulting in improvements both in the size of classes and in the staffing of small rural schools.

609. Since 1984, the Government has employed an additional 1,010 teachers to improve the educational opportunities of children in their early years at school. In allocating these teachers to schools, priority was given to the number required to attain a 1:20 staffing ratio in the junior classes of particular schools, to provide for the extension of reading recovery programmes, as well as to cater more effectively for junior class pupils with learning difficulties. By 1989, 579 schools had received additional staff under the policy and over 90 were fully staffed at the 1:20 ratio.

610. Most aspects of primary and secondary education are free, funded by the State from general taxation. Parents must meet some costs for items such as exercise books and other materials. Further details of funding arrangements are provided under section G.

D. Right to secondary education

1. Measures to make secondary education available to all

611. This right has also been established for many years. On completing Form 2 of the primary stage of schooling, usually after eight years' attendance, a child normally enters Form 3 of a secondary school (or Form 3 in a composite school in thinly populated areas, as described below). Education at school is compulsory up to the age of 15 years under the Education Act 1989 (and before that, under the Education Act 1964), except in terms of sections 3 and 4 of the Act with regard to foreign students as described in the preceding section. It is substantially free for pupils up to the age of 19.

612. Funding arrangements are the same for secondary as for primary schools, described in section G. Annual expenditure on secondary education has increased consistently over recent years, for example from approximately $640 million in 1985 to $791 million in 1989 (from 1.09 per cent of GDP to an estimated 1.24 per cent).

613. The secondary curriculum is based for the first two years (Forms 3-4) on a common core consisting of English, social studies, general science, mathematics, music, arts and crafts, and physical education. Secondary schools are required to give all pupils a minimum number of units of instruction in the common core subjects. At Forms 5-7, pupils may choose from a wide range of subjects.

614. By 1989, 30 secondary schools had bilingual Maori/English programmes. A review of secondary schools indicated that schools are revising structures to cater for the different types of teaching and learning patterns involved in bilingual teaching.

615. In order to give children in rural districts the advantage of the special equipment and more specialized teaching available in larger schools, the consolidation of the smaller rural schools has been a feature of the last 30 years. Composite schools have been developed in recent years to bring together larger concentrations of children. They provide education at primary and secondary levels, either in the form of area schools, or Form 1-7 schools.

616. By 1988 there were 59 of the Form 1-7 schools, including six private schools. (Information on private schools is provided in section G below.) They comprise the secondary departments of district high schools, with the addition of Form 1 and 2 pupils from neighbouring primary schools. They receive improved staffing, accommodation, and equipment in order to promote equality of education opportunity for rural children.

617. In districts too thinly populated to support a Form 1-7 school, area schools have been established, which provide education from primary through Form 7 for all children in the immediate vicinity, and from Form 1 upwards for children from primary schools over a wider area. There were 35 of these schools as at mid-1988.

618. In 1988 there were 88 hostels for secondary schools (predominantly State schools, and a smaller number in private schools).

619. The Correspondence School also provides full secondary school education. In mid-1989, 1,203 full-time secondary students were enrolled. Students were taking correspondence courses for a variety of reasons apart from isolation (the largest group) - some for medical reasons, some were living overseas, others were pregnant, suspended from school, living in institutions, or had school phobia or other psychological problems. There were also a number of adult students. Three hundred and forty five of the Correspondence School's staff are secondary teachers.

620. Recent statistics indicate a drop in secondary school student numbers from 243,000 in 1989 to 238,000 in 1990. This appears however to reflect demographic changes rather than a tendency for pupils to leave school earlier, as the reductions are mainly in the numbers of 3rd and 4th Form pupils, and between 1986 and 1990 the proportion of pupils staying on at school after the compulsory level of 15 years of age has increased from 29 per cent to 47 per cent (or 10,000 more than in 1986). Secondary school rolls are predicted to drop by a further 21,000 by 1995, based on demographic changes.

2. Technical and vocational secondary education

621. A major aspect of government policy to reduce unemployment in the wake of economic restructuring is to ensure that the education system delivers appropriate training and preparation for participation in the work force in a more efficient and competitive economy. Policies and programmes to that end thus include measures to encourage young people to stay at school beyond the minimum age in order to increase their learning ability and level of skills.

622. Secondary schools have extensive facilities for technical and vocational education. Substantial numbers of pupils choose courses in technical, commercial and home craft subjects. Since, the early 1980s, however, vocational education and training as such has largely moved away from the secondary to the continuing education sector, with training formerly provided by technical high schools now provided by polytechnics. Further information on this sector is provided under Section E. Reference should also be made to the report under article 6 (section B), for information about technical and vocational guidance and training programmes in relation to the right to work.

623. Measures described in the following paragraphs are primarily aimed at easing the transition for young people from secondary school to further forms of training and into the post-compulsory stages of education.

624. In June 1988, the Government announced the Youth and Student Allowances Scheme to replace the Tertiary Assistance Grants Scheme. A major innovation here was that secondary students became eligible for the allowances previously available to students at universities, polytechnics, and teachers' training colleges. Secondary students who have turned 18 at the start of the school year now qualify for assistance, and once the scheme is fully implemented, secondary students aged 16 and 17 will be eligible for allowances on the same basis as other young people.

625. One of the main aims of the scheme is to encourage young people from low income families to stay involved in education and training beyond the compulsory stages. It will remove the financial disincentives to further education and training by providing consistent support to teenagers over 15 whether they are in education, training or are unemployed.

School transition programmes

626. In 1988 the annual allocation for school transition programmes was doubled to $7 million. The resources are allocated to schools which have specific transition course proposals. Transition programmes vary but tend to be integrated into the school curriculum or organized as alternative courses for those students with specific needs. Of the pupils involved in such courses in 1988, 83 per cent stayed at school, 5 per cent went into further education, 3 per cent went into training courses, 7 per cent went into employment, and 2 per cent went elsewhere.

Link programmes

627. Schools and polytechnics have developed courses in partnership to meet the vocational education and training needs of their regions. In 1988 polytechnics offered 18,500 student places in a wide range of Link courses. Most courses run for the equivalent of two weeks, and many have moved from vocational introduction to skill development courses. A high proportion of 1988 Link students, who would otherwise have been at risk of dropping out of the education system, either returned to school or took up continuing education and training in 1989.

628. An additional 18,000 places are to be made available at polytechnics from 1991 for students attending Link courses.

E. Right to higher education

629. Information included in this section relates to the broad area of education in the post-school (or post-compulsory) stages. Like the pre-school and school sectors of the New Zealand education system, this area has been extensively reviewed in recent years, and the resulting reforms are still in the early stages of implementation.

630. The need for reform in the area of higher education in New Zealand was identified in a number of reviews and reports in the 1970s and 1980s. One of the underlying concerns leading to these reports was the realization that New Zealand did not have the level of participation in post-school education and training needed to enable it to develop and expand in the 1990s. Furthermore, the range of skills taught at the post-school level appeared to be limited. In order to draw together the various threads of the discussion covered by several reports on such problems, the Government in 1988 contracted a New Zealand university professor to convene an interdepartmental working group to draw up a comprehensive framework for a new and simplified system. The suggestions put forward in the resultant Hawke Report were in their turn extensively discussed in public fora and within government. The Government's response to the Hawke Report is entitled "Learning for Life: Education and Training Beyond the Age of Fifteen", released in 1989, which was further elaborated in "Part Two: Policy Decisions", later in the same year. (A copy of these documents is included among supplementary papers.)

631. Legislation to establish the legal framework for the "Learning for Life" reforms in tertiary education has now been passed by Parliament (in the 1990 Education Amendment Act).

1. Access to higher education

632. A wide variety of technological courses and trades is offered at the 24 polytechnics and community colleges throughout New Zealand. Entry to those institutions is open to all.

633. Entry to New Zealand's seven universities is open to all in the following categories:

(a) Those who were awarded the University Entrance qualification (prior to 1986);

(b) Those who have completed a satisfactory course of study in Form 7 (year 13) at school;

(c) Adult students over the age of 21.

634. Provisional entry may also be granted to those who have completed a course of study in Form 6 (year 12).

635. Entry to New Zealand's six teachers' colleges (colleges of education) is by selection, based on academic qualifications and personal qualities. Where circumstances (e.g. geographical location) would make it difficult for an otherwise suitable applicant to attend a teacher's college, correspondence courses are offered for the academic aspects of training. Overall entry figures are controlled by a quota system based on the demand and supply statistics for the staff of schools.

636. Improving access to higher education is an important objective of the Government's education policy overall. As one of the principles upon which the "Learning for Life" reforms are based, the document states the following:

> "The Government believes that the post-school education system needs to be accessible to as wide a range of students as possible. It therefore intends to encourage greater participation in post-school education and training, with particular emphasis on removing barriers to access for those groups who have so far been under-represented. It will do this through the institutions' charters (which will define each institution's equity targets) and their corporate plans (which will provide details of the programmes each institution will use to achieve the targets in its charter). It will also provide funding for specific courses designed to attract those who have not traditionally participated in the post-school sector".

637. Despite a difficult economic climate, it has been possible to raise spending over the past five years by $33 million on teacher education, $233 million on polytechnic education and $160 million on university education.

638. This is reflected in a significant expansion in the number of student places available for higher education. Between 1984 and 1989, the number of student places in higher education institutions has increased by approximately

43 per cent i.e. from 69,092 in 1984 to 98,465 in 1989. An increase in tertiary fees (on which more information is provided below) was introduced in 1990 as an appropriate means of funding further extension of the accessibility of higher education.

639. Tables showing participation rates in polytechnic courses between 1976 and 1987, and university enrolments between 1966 and 1987, are included as tables 18 and 19.

2. Financial and other assistance

640. Traditionally the Government has provided assistance for tertiary study on a "grant in aid" basis to supplement students' own resources and savings.

Table 18

Participation rates in full-year polytechnic courses by age and sex 1976 and 1987

Rates per 100						
Age Group	1976 Male	1976 Female	1976 TOTAL	1987 Male	1987 Female	1987 TOTAL
15-19	9.7	3.3	7.0	9.7	5.8	8.0
20	12.3	3.0	8.0	14.7	9.1	12.0
over 20	1.7	0.5	1.0	2.7	1.5	2.1
TOTAL	4.3	1.3	2.8	3.9	2.3	3.0

Source: Education Statistics of New Zealand 1977, 1988, Department of Education. New Zealand Census of Population and Dwellings 1976, Ages and Marital Status, Department of Statistics 1979. Population Estimates 1987, Department of Statistics, (unpublished).

Table 19

University Enrolments 1966-1987

	Internal students		External students		
Year	Males	Females	Males	Females	Total
1966	16,300	6,077	1,273	652	24,302
1976	24,437	15,459	2,883	3,428	46,207
1987	27,048	24,991	5,634	8,762	66,435

641. Assistance to students has increased significantly in the past five years, both in terms of numbers assisted and in the value of their allowances. The number of tertiary students receiving an allowance grew from 39,131 in 1983, to 65,000 by mid-1989. The average student allowance increased in real terms by nearly 44 per cent over that period.

642. From 1980 to the end of 1988, the Tertiary Assistance Grants Scheme was in place to provide a basic study grant, a fees grant, a special hardship grant for students with dependent children, and an accommodation grant available to all students over 20 years of age who qualified for the basic study grant but were not living with their parents. Students under 20 who were eligible for the basic grant also qualified for the accommodation grant if they could not live with their parents for reasons of distance from the relevant institution. A further hardship grant was also available for students with abnormally high costs in certain specific areas, for example hostel accommodation, long distance travel, field trips, parents' circumstances or severe physical disability. Grants were awarded under this scheme for a maximum of five years or the duration of two courses, whichever was the lesser period.

643. In 1988, the final year of operation of the scheme, 31,811 university students, 15,092 polytechnic students, and 4,072 teachers' college students received assistance through it.

644. The Youth and Student Allowances Scheme was introduced from the start of 1989 to replace the Tertiary Assistance Grants Scheme. Income support grants to students in the 1989 financial year increased by over $100 million net.

645. The new system provides a range of allowances for tertiary students 16 years old and over, and (as noted in section D above) for secondary students aged over 18 years old at the start of the school year. For single students the rate of allowance depends on the student's age, parental income (if the student is under 20 years old), and whether the student lives at home or away from home. There are also separate rates for married students and students with dependent children.

646. Students aged under 20 may be considered independent of their parents where extraordinary circumstances prevent them from living with their parents or relying on them for financial support. Such students may receive an Independent Circumstances Allowance at the rate available to those aged 20 years and over (currently $144.86 per week). Students may also qualify for accommodation or transportation assistance (of maximum value $40 and $20 per week respectively) in addition to these allowances.

647. The net rate of weekly payment may range from an $11 transport supplement for a 16 to 17 year-old tertiary student with a parental income of over $37,284, up to $255 for a student with a dependent spouse and children.

648. A range of students also receive assistance in the form of reduced tertiary fee rates. Although, as explained in paragraph 656 below, fees for most full-time, full-year tertiary courses were increased in 1990, students in the following categories pay only 10 per cent of the full fees:

(a) All 16 and 17 year-old students of tertiary institutions. This is to ensure that students can choose the course that is most suited to them, whether at school or at a tertiary institution, without facing significantly different costs;

(b) All students in basic vocational courses at tertiary institutions. Almost half of polytechnic students are in this category;

(c) All students who have been social welfare beneficiaries for the whole of the previous year, and who are not receiving any other special training allowance under the social welfare system;

(d) All students who have dependants and are eligible to receive an unemployment benefit equivalent;

(e) All 18 and 19 year-old students whose parents' combined annual income is less than $26,832.

649. Students whose parents' combined annual income is between $26,832 and $31,199, and postgraduate students who are predominantly engaged in research, pay 40 per cent of the full fees.

650. Students who have gained a bursary through the examination system while at secondary school receive an additional $100 or $200 per year (i.e. for a "B" or "A" bursary).

651. Student Allowance Officers at each tertiary institution are employed to assist students and potential students with inquiries relating to allowances. Each tertiary institution administers a fund to provide assistance to students for whom payment of tuition fees would cause serious hardship. Allocations are made on a case by case basis.

3. Factors and difficulties related to making higher education equally accessible to all, including in particular problems of discrimination

652. The "Learning for Life" statement addressed a concern that the structures governing post-school education in New Zealand were no longer appropriate for New Zealand's circumstances. Notable areas of difficulty were the lack of equity amongst institutions, uncoordinated policy advice, and failure to attract a wide range of students. A more detailed breakdown of areas where the system was in need of reform revealed, *inter alia*, a substantial under-representation of students from lower socio-economic groups. Other important shortcomings of the system included excessive fragmentation, the duplication of courses, insufficient accountability, and the complexity of rules and regulations.

653. The purpose of the legislative reforms enacted by Parliament in the Education Amendment Act 1990 is thus to enable post-school education in New Zealand to become more equitable, more responsive to industry and the wider community, and a greater source of excellence in the society. As explained above, improving accessibility of higher education to the widest possible range of people, especially those who have hitherto been under-represented, is central to the reforms.

654. In particular, the Government acknowledged in "Learning for Life" the importance of post-compulsory education and training as a pathway for Maori to achieve their social and economic potential. Full participation by Maori, in the spirit of the Treaty of Waitangi, is stated as an important goal of the higher education system.

655. The thoroughgoing review of tertiary education in New Zealand has not brought about any change in the Government's recognition of its role as principal funder. In order to achieve the broader base for higher education and to maximize access for all in the society, however, additional sources of funding must also be sought. Particularly in the present difficult economic circumstances, financial constraints place an unavoidable limit on the level of government spending. In order to assist the continuing expansion of the post-school system, therefore, a number of additional funding sources are being promoted. These are: income generation by the institutions themselves through the sale of services; encouraging employers to make a greater contribution to the education and training from which they derive benefit; and asking students to make a greater contribution towards the costs of their courses.

656. From the start of the 1990 academic year, therefore, students' fees for most full-time, full-year courses were increased to an annual level of $1,250. Although it is difficult to be specific about the levels of earlier fees, as these varied from course to course, for most students this represented a significant increase. Offsetting these increases however were (as described in section 2 above) the higher levels of allowances introduced the previous year (including provisions for the financially disadvantaged), and exemptions from full fees for certain categories of students. Although the increase in fees has not been a popular step (nor indeed an easy one for the Government to take), the main purpose for it was to support a further increase in the number of places available in post-school education and training (which, as illustrated in preceding sections, has already expanded considerably in recent years). In this, the benefits for society as a whole are considered to outweigh the drawbacks.

F. Right to fundamental education

657. Universal access to fundamental education is well established in New Zealand. Nevertheless, it is recognized that this in itself is not a guarantee of attainment. Adults who have left school without achieving literacy or who wish to extend their education, immigrants whose mother tongue is not English, and children with learning difficulties are among those for whom additional programmes are designed.

658. The Adult Education Act 1963 sets out the functions and powers of the National Council of Adult Education. Its main function was to provide the Minister of Education with advice on the development of adult education in New Zealand. Since 1987, this Council has been in recess as part of the process of review and reform of non-formal education (i.e. education for adults and others whose requirements for various reasons are best met outside the ordinary school system described in section G below). An interim advisory group was established in 1986 to consider the needs and funding of non-formal education groups, and to decide on the type of organizations that would best serve the needs of non-formal education. The National Resource Centre for Adult Education and Community Learning has been established as a Trust to develop and manage resources for non-formal learning. The Adult Education Act will be repealed and the assets of the National Council of Adult Education will be vested in the National Resource Centre.

659. Community Learning Aotearoa New Zealand (CLANZ) is the advisory committee set up to provide advice on policy and to recommend to the Minister of Education the distribution of grants from a fund for non-formal community learning. The Fund has resources of $373,000 per annum, to be disbursed for parent support and education, for community groups working in prisons, for community education projects working outside of educational institutions, etc.

660. The Education Act 1964 provides for free education for people over the age of 19 years, with the approval of the principal, and enables adults to return to daytime programmes in secondary schools to complete or extend their education qualifications.

661. The Correspondence School has over 10,000 adult students on its roll and while most are pursuing study courses above primary level, many are completing basic education, including courses to improve reading skills.

662. One of the goals of the ACCESS Scheme in its programmes for training unemployed people is to enhance individuals' ability to enter or re-enter the work force by improving their basic work skills. Organizers of ACCESS courses are encouraged to build in literacy training as part of a course's objectives. In some situations specific courses for functional literacy and numeracy are required in addition to the main training course.

663. With a Government resource package of $10 million approved in 1988, polytechnics were able, inter alia, to initiate bridging courses for students who have left school but who have not attained adequate standards to pursue further training. Bridging courses are designed to remedy educational deficiencies by providing specialized study, usually in English, mathematics and science with the aim of helping students reach the levels necessary for tertiary education and training in a specific field.

664. More than 1,100 primary schools are now providing reading recovery intervention programmes which assist six-year-olds who are having difficulty reading. A very high proportion of children who receive this assistance in their second year at school maintain their progress in later classes.

665. Between 1979 and 1982, 13 Rural Education Activities Programmes (REAPs) were set up. The aim of REAP policy is to reduce educational disadvantage resulting from isolation, and, through liaison and coordination, to improve the effective use of resources. The REAP programme is able to offer staffing resources for pre-school, visiting teachers, liaison days and other support for teachers, and employs a community education organizer who works to assist adults to meet their learning needs. Each REAP has a management committee which identifies the community's education needs and allocates resources as required. As each REAP district makes use of its resources to meet local needs, programmes may vary considerably from district to district.

Voluntary organizations

666. Many voluntary organizations make provision for community education. For some this is their main purpose (e.g. Workers' Education Association), while others are involved in a range of activities (e.g. Playcentre Federation).

667. The Workers' Education Association (WEA) is an independent voluntary organization which provides further educational opportunities for adults. Nine WEA District Councils and four other branches are based around the country. They offer varied programmes including seminars, courses, summer schools, public forums and literacy programmes. Special courses are run for the elderly, unemployed, and trade unions. Government funding for the national office and each of the WEA districts was $365,000 in 1989/90.

668. Reference has already been made under article 8 to the Trade Union Education Authority (TUEA), which conducts courses, produces resource materials, and advises and assists unions in districts around New Zealand to set up their own educational programmes. The Union Representatives Education Leave Act 1987 provides for authorized representatives to be granted leave on pay by their employers to attend approved union education courses. A statutory organization, TUEA is funded from the financial vote of the Department of Labour and also receives funding from the Education Ministry for its distance education unit.

Teaching of English as a second language

669. The Ministry of Education administers programmes for the teaching of English as a second language, to assist students to develop the necessary language skills to enable them to make the best use of education opportunities available to them.

670. Resourcing for school students requiring this assistance is provided through the programmes developed in the early 1980s to assist South East Asian refugees on arrival in New Zealand. Institutions may also allocate ancillary staff to support such language classes.

671. Resources include special needs funding (around $2 million a year) to provide extra teacher and ancillary assistance, advice and support from the six "New Settlers Coordinators" now based at Colleges of Education, and reception classes.

672. A number of polytechnics also make provision for teaching English as a second language. In addition, there are around eight full time equivalent positions for home tutor coordinators provided through polytechnics.

673. Other programmes are provided through some schools' community education programmes, non-formal education providers and resource centres.

674. Private colleges generally offer courses in English as a second language for people over 17 years of age. They are orientated towards foreign adult students in New Zealand for short periods of study.

G. Development of a system of schools

675. Schools have received State financial assistance since the early days of New Zealand's national development, in the last century. As noted above, education is compulsory from the ages of 6 to 15. The Education Acts of 1964 and 1989 provide for free and secular education in State primary and secondary schools. In this section, attention is focused chiefly on primary and secondary schools. Further detail on other types of educational institutions,

e.g. community colleges, tertiary level establishments, composite schools etc., is provided in other sections. Additional information on pre-school education and care is contained in the section of the report covering article 10.

676. The vast majority of New Zealand children are educated in State schools. Standards for the control of all schools, whether State or private, are set up by the Education Act 1964. The school system in New Zealand has continued to evolve in response to social and demographic changes. Recent years have seen radical changes to the administration of State schools.

Reform of education administration

677. In July 1987, the Government appointed a taskforce to review education administration in New Zealand. It presented its report (the Picot Report) one year later after considering more than 700 submissions. The taskforce found the existing structure for education administration over-centralized and too complex. It proposed that any new education administration should be as simple as possible and decisions should be made as close as possible to where they are carried out. The structure proposed was based on the principles of choice, cultural sensitivity, equity and good management.

678. The taskforce report was distributed for general discussion and following 20,000 public responses, the Government's new policy was released in the report "Tomorrow's Schools: the Reform of Education Administration in New Zealand". This report focuses on changes to the primary and secondary education sectors, though it also lays down guiding principles for State-funded education administration generally, based on the recommendations of the Picot Report. Greater access and greater equity in all education matters are key objectives in the development of the reforms. Most of the changes were implemented by the target date of October 1989.

679. The "Tomorrow's Schools" policy starts from the premise that institutions (i.e. schools or early childhood centres) are the basic unit of education administration. Under the new system these institutions have control over their education resources, to use as they determine, with overall education guidelines set by the State. Working under the broad policy control of the Board of Trustees, the principal has responsibility for day-to-day running of the school.

680. The most significant change in the delivery and administration of primary and secondary education is that parents and the community, in partnership with the teachers, now run the schools. Responsibility for school administration previously controlled by education boards and the regional offices of the Department of Education has been decentralized, having been passed over to the Boards of Trustees of individual schools.

681. Boards of Trustees are a new structure governed by the terms of the School Trustees Act 1989. Each Board of Trustees is the employing and administering authority for its school. Boards are elected by the parents of children attending the school, for a term of two years. Membership is composed of parents, staff (including the principal) and students, to reflect a balance of gender, and of the ethnic and socio-economic character of the community.

682. Boards operate under a charter developed in consultation between the principal, the staff and the community and approved by the Minister of Education. The charter, which is a contract between the community, the school and the State, defines the purposes of the school and its intended outcomes. In this, the particular interests of the pupils, the special skills and qualifications of the staff, the resources of the community, and the community's wishes are taken into account. Charters include certain compulsory elements set down in National Educational Guidelines issued by the Minister of Education. These include core curriculum objectives and codes of conduct. A copy of the National Educational Guidelines is included among supplementary papers.

Funding

683. Funding under the new system is calculated for each school on the basis of nationally determined formulae. Schools are advised in advance of the funding level allocated to them for the school year, and develop their own budgets accordingly. Schools receive all State funding as a bulk grant. The grant comprises two distinct components: operational activities and teaching salaries, each based on its own formula. Each Board of Trustees makes its own decisions on the specific breakdown of expenditure from the operational activities grant, depending on its objectives and the teaching programme in its charter. Boards also have some discretion in the use of funds between the two headings, for example, they may decide to fund an extra teaching position from the operational budget, depending on priorities.

684. A new independent body - the Education Review Office - has been established to ensure that schools are accountable for the Government funds they spend, and for meeting the objectives set out in their charter. This Agency is itself accountable to the Minister of Education.

685. The operational activities grant covers administration, ancillary support, maintenance, and the non-salary aspects of teaching. Boards are expected to budget for maintenance over a ten-year period. Maintenance includes the painting of school buildings; cleaning and caretaking; plumbing, carpentry and electrical repairs; and the supply, maintenance and replacement of equipment, furniture and stores. The Ministry of Education pays for the repair of damage caused by fire, flood, earthquake or any major vandalism.

686. The working group which determined the formula for operating costs in the scheme's first year (1990) concluded that small schools and schools catering for low income communities had been relatively disadvantaged under the old centralized system. This has been redressed in the new formula, by means of redistribution from larger schools, and by an overall increase in funds allocated (from $352 million for 1989 to $440 million for 1990). Provision has also been made for further adjustment to the allocations, however, if schools can justify to the Minister an increase in their bulk grant.

687. The teaching salaries grant is calculated by the Ministry of Education on the basis of a nationally determined notional staff roll, adjusted to reflect the school's individual needs and combined with nationally negotiated pay scales. The Board can then decide the numbers of teachers required (within given maximum and minimum staffing ratios) at its school and at what step in the national salary scale they are to be appointed.

688. Payments for relieving teachers are in most circumstances made through the Ministry of Education. The Ministry also continues to fund special programmes and facilities for handicapped students.

689. A scheme to supply free textbooks to all primary and secondary pupils in State and private schools has been in operation since 1959, and this has been retained under the administrative reforms described above.

Building of schools

690. All Government funded school buildings must meet minimum standards for the amount of floor space and the range of facilities provided. Capital works in State-owned education properties, including the building of new schools, are the responsibility of the Ministry of Education. Boards of Trustees have the right to approve final plans for renovations or extensions to existing schools. The budget for education in 1990 includes an additional $31 million for school buildings, to enable work to begin on reducing a backlog of deferred capital works programmes.

691. During periods of rapid expansion of school roll numbers, various basic plans have been developed for school buildings in order to reduce redrawing of plans for each new building. For example, in 1952 the Dominion Basic Plan was developed, and used mainly for primary schools. Another "block" plan for secondary schools used in the 1950s was based on an English model. The period under review has seen a stabilization and decline in school rolls, and a reduced demand for buildings. For secondary schools, this trend is expected to continue and accelerate over the coming decade (although numbers are projected to increase again at pre-school and primary levels). Some of the accommodation built for higher rolls is already becoming surplus to requirements, and alternative uses are being explored.

692. Other factors are also necessitating a more flexible approach in the design and equipment of schools, e.g. the requirements of handicapped pupils, or the increasing use of computers in teaching. In 1977 a prototype of a new secondary school design - the whanau design - was built for evaluation, and many more have since been built on the same principle. The features of the whanau design are that a range of students from Forms 3 to 7 are grouped together in a large common space, in which the teaching area offers greater flexibility than traditional layouts.

693. At tertiary level, the Government meets the full cost of providing buildings for technical institutes, teachers colleges, community colleges and universities.

Private schools

694. In addition to State schools, there are a number of private primary and secondary schools owned and operated independently by religious bodies or private individuals. All schools whether State or private must under the Education Act 1964 comply with defined standards of accommodation and teaching as a prerequisite for compulsory registration. Private schools can receive 25 per cent of the salary costs of an equivalent-sized State school, as a subsidy towards their staffing costs, but they are not required to give up any element of their administrative independence.

695. A major development in the debate over whether, and to what extent, private schools should receive financial assistance from the State was the enactment in 1975 of the Private Schools Conditional Integration Act. This gave private schools the opportunity to integrate with the State system while still retaining their special religious or philosophical character. Provided they can meet certain preconditions for integration, these schools can have all recurrent expenditure paid by the State, while retaining ownership of their assets and responsibility for capital works. One of the conditions for integration is that private schools bring their buildings up to the same standards as State schools. In 1975, 90 per cent of registered private schools were controlled by Roman Catholic education authorities. All have now integrated into the State system.

696. The remaining number of private (non-integrated) schools have been essentially unaffected by recent administrative reforms in the State sector.

Statistical data

697. Between 1980 and 1988, the number of pre-school centres (kindergartens, play centres, and non-profit-making groups) increased from 1,208 to 1,386.

698. The total number of primary schools (including intermediate schools, integrated schools and private schools) moved from 2,434 in 1980 to 2,348 in 1988. Within those figures, the number of State primary schools grew from 1,031 to 1,111, while private (non-integrated) primary schools decreased from 292 to 78.

699. Between 1980 and 1988, State secondary schools (Forms 3-7) including integrated schools grew in number from 218 to 262 (of which 18 also had attached intermediate schools). Over the same period secondary schools for Forms 1-7 increased in number from 44 to 53.

700. Largely as a reflection of the 1975 Act, the number of strictly private (i.e. non-integrated) secondary schools fell from 74 to 18 over this period.

701. At the tertiary level, there were 21 polytechnics (including the Technical Correspondence Unit) in 1980, and 24 by 1988. Teachers colleges were reduced from eight to six over that period. The number of universities has remained constant at seven.

Factors involved in the development of the school system, and difficulties encountered

702. The fundamental difficulties of developing a school system in New Zealand were essentially overcome several decades ago. Nevertheless, the process is an evolutionary one and, as illustrated in preceding sections, problems arise in various aspects. The far-reaching reforms in education over recent years represent a concerted effort by the New Zealand Government to make the school system more relevant to present-day society, and to maximize the potential of all students.

703. Implementation of the changes to the educational system represented by the "Tomorrow's Schools" programme has required adjustment by all concerned. The transition - which is not yet complete - has been more challenging because

of the relative speed with which the changes have been introduced (albeit on the basis of wide consultation). A detailed assessment of the extent to which the goals of the programme have been achieved is not yet practicable.

H. Establishment of an adequate fellowship system

704. School boarding bursaries are awarded to pupils who are obliged to live away from home. For instance, some Form 6 and Form 7 pupils are required to board in order to attend a school offering an appropriate study course for University entrance qualifications; others may wish to follow a technical course not offered locally. The rate of these bursaries is set at a level designed to bridge the gap between the cost of the child living at home and the cost of boarding.

705. Two Government foundations, the Maori Education Foundation and the Pacific Island Education Foundation, offer boarding scholarships to selected Maori and Pacific Island students attending courses at the secondary and tertiary level. In addition, the Ministry of Education provides scholarships for Maori and Pacific Island students to attend secondary schools and to study for tertiary qualifications. A limited number of scholarships are awarded each year on the basis of academic merit. Boarding bursaries are also provided to assist Maori and Pacific Island students to attend a selected secondary school. In 1990, 60 such bursaries were awarded, with a value of $1,740 per annum.

706. Other forms of financial assistance for students at tertiary level are described under section E.

I. Improvement of the material conditions of teaching staff

707. The principal laws governing the conditions of teaching staff in New Zealand are the Labour Relations Act 1987, the State Sector Act 1988, and the Education Act 1989 (and amendments).

Recent reforms affecting teachers' conditions

708. A key feature of the recent reform of education administration (as in other parts of the State sector) in New Zealand is the decentralization of responsibility for making management decisions. Information has been provided under article 7 on the process whereby, in terms of the State Sector Act 1988, departmental Chief Executives have been given responsibility for the administrative and personnel functions of their departments. This entailed a number of changes in respect of the Education Service.

709. Part VII of the State Sector Act gives the State Services Commission the responsibility to negotiate with unions the pay and conditions of all education service employees, in consultation with the representatives of school Boards of Trustees. The results are set out in awards negotiated under the system established by the Labour Relations Act 1987, and registered (like other awards) by the Arbitration Commission. "Service organizations" (e.g. the Post Primary Teachers Association and the New Zealand Education Institute) became unions, governed by the provisions of the Labour Relations Act 1987. As a result of these industrial reforms, it was necessary to "codify" previously existing conditions of employment into comprehensive single documents which could then be registered as awards.

710. Section 79 of the State Sector Act sets out the general principles for a good employer which must govern the personnel policies of employers of educational staff. These are the same as for other State Sector workers (set out in section 52 of the Act) and include the provision of good and safe working conditions; implementation of an equal employment opportunities programme; impartial selection of suitably qualified people for appointment; recognition of the aims, aspirations, and employment requirements of the Maori people; and opportunities for the enhancement of the abilities of individual employees. Replacing earlier procedures for dealing with appeals relating to appointments and promotions, disciplinary and other personnel matters, legislation now provides for all such matters to be negotiated through awards. The grievance and disputes procedures of the Labour Relations Act 1987 also apply.

711. In terms of the "Tomorrow's Schools" reforms implemented in 1989, the Board of Trustees for each school is the legal employer of teaching and support staff, and is thus responsible and accountable for the standard terms and conditions set out in the award. Boards must comply with the terms and conditions of all teaching and non-teaching awards and salary scales, as well as observing the principles of the State Sector Act. The Education Review Office, one of the new agencies established under the reforms, has the function of regularly monitoring Boards' performance in these areas.

712. The principal and a staff representative are full members of each schools's Board of Trustees, to ensure both a professional and worker input into all decisions. A further protection for the rights of teachers and other education workers is the scope for unions to take compliance orders against Boards who fail to meet the "good employer" and equal employment opportunities provisions of the State Sector Act. Like workers in other areas, teachers also have the alternative option of pursuing a personal grievance under the Human Rights Commission Act 1977 or the Race Relations Act 1971, where the circumstances make this appropriate.

713. Boards appoint the principal of their school, and approve the appointment of basic scale teaching staff and non-academic support staff on the recommendation of the principal. For appointments of teaching staff above basic scale, the Board approves recommendations made by a staffing committee comprising the principal, Board chairperson, and a teacher from another school. Boards must advertise all teaching positions nationally.

714. Each Board is also responsible for approving a staff development programme on the advice of the principal. Funding for this is included in the school's bulk grant (see above).

715. In order to provide teachers with an incentive to remain as classroom teachers, rather than seek senior positions involving less classroom time, "Tomorrow's Schools" makes provision for bonus payments to teachers of outstanding merit. Such teachers usually need to have completed at least 10 years' service.

716. From 1979, a scheme has been introduced to assist classroom teachers by employing teacher assistants to carry out clerical and administrative tasks not normally performed by other ancillary staff. In order to assist the

process of "mainstreaming" children with disabilities into ordinary schools, the Government in June 1990 announced extra funding of $5.1 million to provide an additional 400,000 hours of teacher-aide employment, assisting the classroom teachers of these children.

Contracts

717. The issue of contracts for the employment of certain teaching staff has been an important matter in the development of policies to implement the "Tomorrow's Schools" reforms. As a means of assisting them to meet the requirement for accountability in the overall running of schools, and in their achievement of educational goals, Boards of Trustees of secondary schools are now able to appoint the principal of their school on a contract basis, within a salary range established nationally. The term of the contract is negotiated between the Board and the principal.

718. This policy was effected by the State Sector Amendment Act 1989. Secondary school principals are now excluded from award coverage and are to be employed on contracts approved by the State Services Commission. Up to four other senior staff positions are also placed on contract, while remaining covered by the Award except in relation to remuneration, discipline and performance matters. Similar arrangements to these have been negotiated for primary school principals.

719. By clearly defining the duties and obligations of the parties, clarifying the accountability of senior staff, reducing the possibility of conflicts of interest, and increasing the flexibility to come to agreed employment terms that best suit the unique circumstances of each school, individual contracts serve as a necessary mechanism to give effect to the devolved management responsibility under "Tomorrow's Schools".

Funding

720. In the reformed structures, schools are to receive all funding in the form of a bulk grant, in two distinct components, namely teaching salaries and operational activities (section G above refers). Each component is based on its own separate funding formula developed by the Ministry of Education, taking account of the varying needs of different schools in different areas, weighted for equity considerations and the particular costs of running rural schools.

The Teacher Registration Board

721. The Teacher Registration Board is a new statutory organization established to act as an education quality assurance agent. The five-member Board, appointed by the Minister, will be responsible for determining the conditions and requirements under which persons will be able to be registered as teachers, and will be responsible for approving and maintaining a register of teachers, as well as for decisions on the removal of a teacher's name from the register.

Other measures for the improvement of conditions

722. Reference has been made in section C to measures to improve teacher/pupil ratios in primary schools. Between 1982 and 1988, teacher/pupil ratios in primary schools improved overall from 1:21.91 to 1:20.42. In secondary schools, the ratio improved over the same period from 1:17.63 to 1:16.35.

723. The Maori attestation scheme, "He Tohu Matauranga", has been operating in the secondary teacher service since 1986 and was extended to the primary service in 1988. The attestation process is administered by the trustees of a marae. It confirms the candidate's fluency in the Maori language and understanding of Maori culture. Applicants for teacher training may use attestation as an additional criterion for entry to a three-year training course. Teachers already in the service who are attested will be considered to have the equivalent of a tertiary qualification for salary purposes.

Continuing education

724. Full-time training for teachers is provided in six institutions for kindergarten, primary, secondary, and special education teacher trainees. In addition to their major responsibility - pre-service training - these six colleges of education conduct a range of continuing education courses for teachers. In most cases, teachers attend these courses in their own time outside classroom hours, though relieving teachers may be funded through the Ministry of Education to facilitate attendance in some cases. The Advanced Studies for Teachers Union (ASTU) provides correspondence programmes for the same purpose.

725. Each paper is based on 50 hours of course time. Two higher teaching qualifications are available to teachers based on these courses:

(a) the Higher Diploma of Teaching (on completion of seven papers of a continuing education course); and

(b) the Advanced Diploma of Teaching (on completion of a further seven papers).

726. The standard course fee for each paper is $198. In some cases, Boards of Trustees may agree to fund teachers' attendance, otherwise teachers pay their own costs. In 1988, 2,551 teachers were enrolled in advanced study courses at colleges of education, and 2,932 were enrolled in correspondence courses with ASTU.

727. Because of the wider market for its correspondence courses compared with the face to face courses at colleges, ASTU is able to offer a wider range of courses (around 80 different courses per year, compared with around 30 offered by colleges). Courses are available to assist teachers stay abreast of developments in teaching in various subjects, and also cover areas such as drama teaching, working with parents, computer teaching etc.

728. A variety of other options for continuing education are available to teachers, for example through seminars, short courses and conferences organized either in-house by schools themselves, by professional organizations, or by other agencies.

729. In a research study among teachers in 1987, teachers identified the need for regular communications which not only described new resources, but gave items of news about related matters such as film appreciation, people, events, and the use of material in the classroom. As a response to this, a monthly supplement to the Education Gazette called "Resource Link" is being published. A catalogue of all school publication materials, catalogues of sound recordings for loan and an updated audio visual catalogue were also produced as a result of the research study findings.

730. A national teacher development programme was set up in 1986, under which more than 600 teachers have received in-service training in the curriculum uses of computers. A series of resource booklets has also been prepared to support primary and secondary teachers working with computers.

Teachers' participation in the formulation of plans

731. One of the principles of "Tomorrow's Schools" is that the running of schools is to be a partnership between the professionals and the particular community in which the school is located, through the mechanism of the Board of Trustees. As noted above, the membership of each Board includes the principal of the school, and one member elected by the staff from among their number.

732. In drawing up the charter of the school, the Board also consults the staff as a whole. Programmes under the charter take account of the special skills and qualifications of the staff. Once the school's charter has been developed and approved by the Minister of Education, the principal and staff determine how the curriculum objectives in it are to be achieved, within the framework of the curriculum objectives laid down in the National Education Guidelines.

733. The revision of the national syllabus in respect of any subject involves the formation of an advisory committee with active teacher representation. Draft syllabuses are circulated to teachers for comment, and sections of the syllabus are often put to trial in selected schools.

Factors and difficulties

734. The administrative and personnel structures of the new education system have placed upon Boards of Trustees and principals, in particular, a variety of responsibilities which may be unfamiliar to them. Information and backup services are likely to be needed for some time yet until the new systems are running smoothly. An Implementation Unit set up in the Ministry of Education oversees the work of several working groups, each responsible for reporting on matters that need to be considered as the new system takes shape.

735. For teachers, the changes of recent years have also demanded significant adaptations on their part. The full impact of personnel reforms, especially in areas like pay flexibility and flexible staffing levels will not be felt until the system of bulk funding of salaries to Boards of Trustees is introduced in 1991.

J. Right to choice of school

736. Under section 156 of the Education Act 1989, parents who do not wish their children to attend State schools may at their own expense set up schools which follow their own religious or moral convictions, or send their children to existing schools of that type. As noted in section G above, a large proportion of formerly private schools have since 1975 chosen to integrate with the State system, thus gaining substantial Government funding while still retaining their special religious or philosophical character. The combined number of private and integrated schools in New Zealand, run by religious organizations or private individuals, is still quite substantial.

737. In addition, the "Tomorrow's Schools" programme includes a commitment to extend the definition of "special character" schools to include kaupapa Maori schools, bilingual schools and others which the Minister of Education considers to be of a special character, (such as those set up outside the system by parents). Several bilingual schools are already in operation, at both primary and secondary level. With the extension of the kohanga reo preschool system (and wider recognition of the value of its achievements), increasing provision for primary teaching in the Maori language is being made in order to maintain fluency levels attained there.

738. In State primary schools a distinction is made between teaching of religion and teaching about religion. Section 77 of the Education Act (applicable to State primary schools) states that "the teaching shall be of an entirely secular nature". However, provision is also made for religious instruction to take place, subject to certain conditions. Boards of Trustees may decide to close their school for a limited period each week to enable the time to be used for religious instruction and observance. Parents are free to have their children excluded from such classes.

739. Secondary schools are not restricted by the requirement in section 77 of the Education Act. However, in practice State secondary schools do not usually give religious instruction. Exceptions to this are the inclusion of a religious element (e.g. a reading from the Bible) at some schools gatherings; and some offer a 6th Form course in religious studies. Because schools are likely to have pupils from a wide variety of religious and ethical backgrounds, principals are asked to take care to understand and respect differences in their approach to teaching about religion, or in any religious observances. Again, students may be excused participation in these activities.

740. In 1989, 24,699 pupils, or 3.8 per cent of the school population, attended private primary and secondary schools. A table comparing the numbers of pupils enrolled at State, integrated and private primary schools is included as table 20.

Table 20

Comparison of number of pupils enrolled at State, integrated, and private primary schools 1977-1987

Type of schools	Percentage distribution of primary school rolls			Percentage change in rolls
	1977	1982	1987	1977-1987
State	90.32	89.86	88.89	-18.28
Integrated	7.65	7.72	8.04	-12.69
Private	1.80	2.12	2.68	23.81
Correspondence	0.23	0.30	0.39	40.28
Total	100.0	100.0	100.0	-16.96

Source: Education Statistics of New Zealand 1988, Department of Education.

K. Liberty to establish and direct educational institutions

741. The observance of this right is shown by the fact that a number of independent (private or integrated) schools have been set up during the period under review. Moreover, recent reforms make it easier than before for those wishing to establish educational institutions which they feel will better meet their children's needs than do existing arrangements.

742. The Education Act 1964 maintained the right of individuals or private organizations to set up private schools, subject to certain restrictions. The main condition set out in the 1964 Act was that such institutions should be "as efficient" as the State equivalent. In order to obtain the compulsory registration required of all schools, a private school must comply with various local authority and health ordinances. These provisions are maintained under the Education Amendment Act 1989.

743. A recent development is that the "Tomorrow's Schools" programme makes express provision for groups of parents representing at least 21 children to withdraw from existing arrangements and set up their own institutions, provided that they meet the National Education Guidelines. Section 156 of the Education Amendment Act 1989 gives legislative effect to this provision by providing for a "designated character school". It is noteworthy that the absolute right to establish this type of school rests with the Minister of Education. This is mainly because a designated character school is a State school. Its aims, purposes and objectives constitute its designated character and the school's charter reflects these features. Such a school would be, for example, one where the style of teaching or the structure and organization is markedly different from that at an ordinary school; a school which provides a special secular curriculum or cultural emphasis; or a school which provides for special needs.

744. Nevertheless, a designated character school must abide by the State school requirements for staffing, staffing qualifications, building codes, funding, and national educational guidelines including the national curriculum objectives.

745. As the 1989 Act came into force only in January 1990, no designated character schools have yet been set up, though a number of applications to the Minister are under consideration.

746. In practice, the laws regulating the right to establish a school are designed to ensure that children receive a minimum satisfactory standard of education in safe and healthy surroundings. As such, they are not unduly restrictive, and assistance and advice is available to the managers of proposed private schools.

747. The Parent Advocacy Council is a new statutory organization responsible for promoting the interests of parents at all levels of education. It is an independent investigation agency for parents who feel their children's needs are not being met within the education system. The Council assists parents who wish to educate their children at home or set up a separate school. It also provides information about the education system and the rights and obligations of individuals and groups within it.

IX. ARTICLE 14: THE PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

748. As explained in relation to article 13 (right to education), this principle is well established in New Zealand. The Education Act 1989 (and before that, the Education Act 1964) provides for free education in primary and secondary schools. Education is compulsory between the ages of 6 and 15 years. Some exceptions are made in the case of foreign students, or for example where a child under seven years of age would have to walk more than three kilometres to school.

X. ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A. Right to take part in cultural life

1. Principal laws and regulations

749. The principal laws concerned with the right to take part in cultural life are:

(a) The Queen Elizabeth II Arts Council of New Zealand Act 1974;
(b) The New Zealand Film Commission Act 1978;
(c) The National Library Act 1965;
(d) The National Art Gallery, Museum and War Memorial Act 1972;
(e) The Historic Places Act 1980;
(f) The Broadcasting Act 1989;
(g) The Antiquities Act 1975;
(h) The Recreation and Sport Act 1987;
(i) The Gaming and Lotteries Act 1987;
(j) The New Zealand Symphony Orchestra Act 1988;
(k) The Archives Act 1957.

750. A majority of the above Acts are administered by the Department of Internal Affairs, through statutory bodies in some cases. Responsibility for their administration will probably be transferred to the Ministry of Cultural Affairs when that is established (see below). The Historic Places Act is administered by the Department of Conservation, the National Library Act by the National Library of New Zealand, and relevant sections of the Broadcasting Act by the Ministry of Commerce.

751. The Cultural Conservation Advisory Council, the New Zealand Authors' Fund, and the Government's indemnification of touring exhibitions scheme were established by Cabinet Minute.

2. Practical measures for the realization of this right

(a) Availability of funds

752. In New Zealand, funding for the arts is primarily the responsibility of central government, through independent statutory bodies, principally the Queen Elizabeth II Arts Council and the New Zealand Film Commission, whose functions are summarized later in this section of the report, under

paragraphs (b) and (f). This funding is currently administered by the Department of Internal Affairs, but responsibility for it will shortly be taken over by the new Ministry of Cultural Affairs.

753. Designated local authorities have a statutory responsibility to service Community Arts Councils and, in some cases, have developed their own cultural policies. The level of support they provide to regional and metropolitan arts organizations is highly variable. The Queen Elizabeth II Arts Council and the three Regional Arts Councils are concerned to encourage structured local government support for the arts.

754. By contrast, New Zealand's regional and local museums receive their operational funding almost entirely from local government and private donation. Only the National Museum of New Zealand and the National Art Gallery of New Zealand receive substantial central government funding for their operational budgets. The larger, regionally-based museums are funded in part by a statutory annual levy imposed on local "contributing authorities" within their region. Despite receiving local government support, local heritage institutions depend upon a variety of central sources for projects which fall outside the scope of basic operational budgets, such as capital works, conservation and training. These sources include the New Zealand Lottery Grants Board, and the Cultural Conservation Advisory Council, which provides direct subsidies to local institutions for the conservation of moveable cultural property.

755. Local and community libraries receive operational funding wholly from local sources. The centrally-funded National Library makes its services available to schools and smaller local libraries through regional branches.

756. The Broadcasting Commission has a statutory responsibility to use funds it gathers from the public broadcasting fee to fund and promote programming with a distinct New Zealand identity, and Maori and minority programming. Further detail on this aspect is contained under sub-heading (e) later in this section.

757. At a national level, public funding is in general allocated annually and comes from two sources: taxation and lottery profits. The Government's policy, over the last five years, of restraining its own spending, combined with the great success of Lotto, a national televised lottery, has led to a decline in the share of arts funding provided by the Government in proportion to that allocated by the New Zealand Lottery Grants Board, which has the responsibility of apportioning profits of lotteries to various distributing authorities which consider applications and make grants.

758. Table 21 shows the allocations made to major cultural agencies in 1989/90 by the Government and the New Zealand Lottery Grants Board.

759. Several awards in the arts contribute to cultural development in partnership with central government. Public companies can make grants or donations for charitable purposes, including the arts, up to 5 per cent of their taxable income in one year, but only up to $4,000 to any one recipient. Prominent examples of private assistance include the Turnovsky Endowment Trust and the Stout Trust.

Table 21

Expenditure on Arts and Cultural Heritage

Agency or Programme	Vote 1989/90	Lottery Grants Board 1989/90	Total 1989/90
	(Financial year 1 July 1989 to 30 June 1990) (incl. of GST)	(Financial year 1 April 1989 to 31 March 1990) (incl. of GST)	
	$	$	$
1. Queen Elizabeth II Arts Council	7 250 000	10 918 750	18 168 750
2. New Zealand Film Commission	4 000 000	6 159 375	10 159 375
3. National Art Gallery and Museum	7 292 920	1 118 750	8 411 670
4. Museum of New Zealand	3 732 190	8 437 500	12 169 690
5. New Zealand Symphony Orchestra	2 765 813 (+ Broadcasting Comm Input)	-	8 381 250
6. New Zealand Literary Fund	282 000	550 000	832 000
7. New Zealand Film Archive	100 000	447 500	547 500
8. Miscellaneous	28 000	-	28 000
9. Minister's Fund	-	895 000	895 000
10. Oral History Archive	52 000	-	52 000
11. National Archives	28 854 000	-	28 854 000
12. Cultural Conservation	160 000	503 438	663 438
13. Antiquities Act costs	21 000	-	21 000
14. Lottery Community Facilities Fund	-	1 186 065 (+ $165 000 Cultural Equipment Grant)	1 186 065 165 000
15. New Zealand Authors' Fund	724 000	-	724 000
16. Historical Publications	673 060	275 000	948 060
17. Dictionary of New Zealand Biography	403 000	447 500	850 500
18. New Zealand Historic Places Trust	423 000 (+ $1 123 000 Vote Doc for HPT SEG 2)	1 681 250	3 227 250
TOTAL:			96 284 548

Indemnification of touring exhibitions

760. Since 1976, the Department of Internal Affairs has administered a scheme, established by Cabinet Minute, for the indemnification of significant touring exhibitions. The scheme relieves galleries and museums of the often prohibitive costs of insurance by underwriting their liability to the lenders of exhibits, and thereby helps to promote public access to major exhibitions. The maximum value of indemnified exhibitions at any one time is currently $200 million.

(b) Institutional infrastructure

761. The major agencies in New Zealand established to implement policies for the promotion of cultural life follows below.

Minister of Arts and Culture

762. Since 1975 there has been a separate ministerial portfolio for arts and culture matters, although to date the Minister of Arts and Culture has also been the Minister of Internal Affairs. With the establishment of the Ministry of Cultural Affairs (see below) this position will be known as the Minister of Cultural Affairs.

Department of Internal Affairs

763. The Department of Internal Affairs is responsible for funding and administering many of the statutory bodies and other related agencies listed below. Its responsibilities for arts and culture will shortly be taken over by the Ministry of Cultural Affairs.

Ministry of Cultural Affairs

764. In 1989, public submissions were received by the Government on a proposal to establish a Ministry of Cultural Affairs. The Government is now in the final stages of establishing such a ministry, which will allow the Government to take a more coordinated approach to funding and policy for cultural affairs.

New Zealand Lottery Grants Board

765. The New Zealand Lottery Grants Board distributes the profits of State-run lotteries under the Gaming and Lotteries Act 1977. Funds for cultural purposes are allocated to Distribution Committees and Distribution Agencies. The Distribution Agencies are the Queen Elizabeth II Arts Council, the New Zealand Film Commission, the Hillary Commission for Recreation and Sport and the Minister of Internal Affairs. The Minister of Internal Affairs receives an allocation for Special Projects in the Arts under the terms of which individuals and groups can request assistance for projects that generally do not come within the criteria for funding from any of the Lottery Distribution Committees.

766. Two of the Lottery Distribution Committees provide funds for cultural purposes. The Lottery Community Facilities Committee offers subsidies (usually $1 for every $2 of eligible community funds) or low-interest loans to non-profit making community organizations for capital costs of community

buildings such as art galleries, museums, theatres, concert halls, craft centres, community libraries and Maori and Pacific Island community facilities. The Lottery General Committee gives grants to organizations whose activities fall outside the areas of the other committees, but also funds community facilities, such as museums, arts and cultural centres with high capital costs. Lottery General also administers the Heritage Fund which funds projects involving the cultural, environmental and historical heritage of New Zealand.

767. Several cultural agencies are regular recipients of Lottery General funding, including the New Zealand Film Archive, the National Museum and Art Gallery, Dictionary of New Zealand Biography, and the Historic Places Trust.

768. The Lottery Community Facilities Committee distributed $8,000,000 in the 1989/90 financial year and Lottery General $22,814,000. Approximately $16 million of Lottery General's allocation was for cultural purposes, including a $10 million grant to the new Museum of New Zealand project.

Queen Elizabeth II Arts Council

769. The Council was established in 1964. Its functions and powers are defined in the Queen Elizabeth the Second Arts Council of New Zealand Act 1974, and subsequent amendments. It incorporates three Regional Arts Councils and Te Waka Toi - the Council for Maori and South Pacific Arts. There are also some 100 Community Arts Councils, which assist local arts organizations and projects from funds made available by the Regional Arts Councils and other sources.

770. The Arts Council's statutory obligations include the support of professional standards in the arts, promoting the practice and appreciation of Maori and Pacific Island arts, and making the arts "accessible to every person in New Zealand". With the exception of the New Zealand Symphony Orchestra, New Zealand's leading professional arts organizations receive annual grants and other assistance from the Arts Council. These include the country's regional orchestras, its professional theatres, its national schools of drama and dance, the Royal New Zealand Ballet, the Crafts Council of New Zealand (which supports craftspeople in a variety of ways) and the Music Federation of New Zealand (which runs an annual programme of chamber music concerts throughout the country). The Council also supports the work of many individuals and groups in the visual arts, dance, music, craft, theatre, experimental film and video, and literature. (The New Zealand Literary Fund was transferred from the Department of Internal Affairs to the Arts Council in 1988, to become the Council's literature programme. This programme provides grants and other assistance to individual writers and publishers, principally of works of fiction, poetry, and drama - although some assistance is made available for non-fiction works - and to literary magazines.)

771. The Arts Council also runs a national resource centre, helps to secure business sponsorship for the arts, runs an Arts Access programme that has developed arts projects in hospitals and prisons and, as noted above, administers a programme of performances and workshops in schools in collaboration with the Ministry of Education.

772. During 1989/90 the Council received funds totalling $18,168,750, of which $10,918,750 was provided from lottery profits.

773. The New Zealand Symphony Orchestra is the one major performing arts company that does not receive its funding through the Arts Council. It is currently funded through the Department of Internal Affairs and the Broadcasting Commission. From the 1991/92 financial year the orchestra will be funded entirely through the Department of Internal Affairs (or the Ministry of Cultural Affairs). Historically the orchestra was linked to successive State broadcasting corporations.

Te Waka Toi - Council for Maori and South Pacific Arts

774. The Council for Maori and South Pacific Arts, now known principally by the Maori name of Te Waka Toi, was set up in 1978 as part of the Queen Elizabeth II Arts Council.

775. The Council's statutory function is to encourage, promote and develop the appreciation of the arts and crafts of the Maori and South Pacific people in New Zealand. Towards this end it supports traditional Maori and South Pacific arts, as well as contemporary trends in the visual arts, music and theatre, by administering funding schemes under which grants are made to groups and individuals. It is developing a growing number of bicultural projects with the Queen Elizabeth II Arts Council.

National Art Gallery and National Museum

776. The National Art Gallery and Museum are both situated in the capital, Wellington. They are controlled by a Board of Trustees, under the National Art Gallery, Museum and War Memorial Act 1972. The Board in turn delegates many of its functions to separate councils established for each of the Art Gallery, the Museum and the War Memorial.

777. The National Art Gallery was established to acquire, preserve and display collections of works representing the whole range of the visual arts, and to provide an appropriate educational and research service in connection with those collections. Its Mission Statement details the following programmes:

(a) Collections Programmes: The purpose of the Collections Programmes is to acquire, organize and research and make available the art and visual culture of this country in line with the anticipated policies of the Museum of New Zealand;

(b) Public Programmes: The purpose of the Public Programmes sub-programme of the National Art Gallery is to provide the public with opportunities to explore and interpret the art and visual culture of Aotearoa/New Zealand.

778. The National Museum has the responsibility for the acquisition, preservation and display of material principally concerning New Zealand and the Pacific. The National Museum also provides an educational and research service. The Mission Statements of the three divisions of the Museum are:

(a) Public Services Division: Enhancing public awareness, enjoyment and use of the National Museum of New Zealand/Te Whare Taonga o Aotearoa through exhibitions, programmes and promotions is the motivating function of the Public Service Division;

(b) Cultural Heritage Division: To collect, preserve and interpret the material cultural heritage of Aotearoa/New Zealand and of relevant items from the Pacific region and the wider world;

(c) Natural History Division: To acquire and maintain collections of New Zealand plants and animals, to increase knowledge about the systematics and ecology of the New Zealand biota, and to provide the public with opportunities to better understand the natural heritage of Aotearoa/New Zealand and its relationship to the wider world.

779. In 1989/90 the total funding for the National Museum and Art Gallery is approximately $12 million.

Museum of New Zealand/Te Papa Tongarewa

780. Planning is underway for a new Museum of New Zealand/Te Papa Tongarewa to be located in Wellington. It is hoped it will be completed by 1997. The Museum will assist other museums through a National Services Department in areas including training, conservation, exhibition and advisory services, collection inventories and sharing of capabilities and materials by loans, travelling exhibitions and activity programmes.

781. In terms of its Concept Statement the Museum will "express the bicultural nature of this country, recognizing the mana and significance of each of the two mainstreams of tradition and cultural heritage".

(c) Overall policy for the promotion of cultural identity and promotion of awareness and enjoyment of the cultural heritage of national ethnic groups and minorities

782. As explained in the introduction to this report, there are two major cultural sources in New Zealand: the Maori culture of the indigenous people, and the European-based culture of the predominantly English migrants who arrived in New Zealand in the last century. Information on policies and measures to promote awareness and enjoyment of the cultural heritage of the Maori people, in particular, is also provided in New Zealand's periodic reports on implementation of the International Covenant on Civil and Political Rights and of the International Convention on the Elimination of All Forms of Racial Discrimination.

783. To date, New Zealand governments have not developed detailed, coordinated cultural policies. The greater part of government funding for arts and culture is instead channelled through independent statutory bodies that, within the terms of their prescribed functions, develop their own policies and are responsible for the direct assistance of individuals and organizations, and for ensuring public participation in the country's cultural life. For example, the Queen Elizabeth the Second Arts Council of New Zealand Act 1974 states that the Council shall "make accessible to every person in New Zealand, as far as may be practicable, all forms of artistic activity".

784. The establishment of the Ministry for Cultural Affairs will be an opportunity to place the principle of biculturalism at the heart of cultural policy, thereby supporting the commitment to biculturalism and Pacific Island cultures represented in the arts by the relationship of the Queen Elizabeth II Arts Council to Te Waka Toi, and, at a broader social level, by the work of other government departments.

785. During the past decade all the arts have come closer than before to expressing in various ways a distinct New Zealand identity. During this period the Te Maori exhibition, an exhibition of classical Maori art which toured the United States and New Zealand in the mid-1980s, was but the most prominent manifestation of a great resurgence in the practice and appreciation of the Maori arts in both traditional and contemporary forms. Information contained in other parts of this section of the report, for example concerning plans for the Museum of New Zealand/Te Papa Tongarewa, is also relevant here.

(d) Role of mass media and communications media in promoting participation in cultural life

786. New Zealand has an active mass media sector which plays an important part in promoting New Zealanders' participation in cultural life.

Newspapers and journals

787. For the size of its population, a large number of newspapers and magazines are published in New Zealand. The press includes seven metropolitan and 25 provincial daily newspapers, and several hundred magazines, journals and newsletters are published on a wide range of topics. Newspapers regularly report on issues and events of interest in the cultural and scientific fields.

788. These publications are privately owned and operate freely, subject to the limitations and restrictions imposed by common law and statute, such as the law relating to defamation, blasphemy or obscenity, and human rights legislation.

Broadcasting

789. The development of public broadcasting was, until late 1988, the responsibility of the Broadcasting Corporation of New Zealand. Among other specific functions, the Corporation was charged with maintaining a New Zealand identity in its programmes. The Directors General of Radio New Zealand and Television New Zealand were members of the Corporation.

790. Changes to the administration of broadcasting led to the restructuring of the Broadcasting Corporation in November 1988 and the establishment of three State-owned enterprises: Radio New Zealand Ltd., Television New Zealand Ltd., and the New Zealand Symphony Orchestra Ltd., operating as independent commercial undertakings. Further reforms followed the passage of the Broadcasting Act 1989, which established the Broadcasting Commission to administer the public broadcasting fee, and the Broadcasting Standards Authority to govern broadcasting standards.

791.The functions of the Broadcasting Commission (renamed "New Zealand on Air" in mid-1990) are set down in Part IV (sections 36ff) of the Broadcasting Act as follows:

(a) To reflect and develop New Zealand culture by promoting programmes about New Zealand and New Zealand interests, and by promoting Maori language and Maori culture;

(b) To maintain and, where the Commission considers it appropriate, extend the coverage of television and sound radio broadcasting to New Zealand communities that would otherwise not receive a commercially viable signal;

(c) To ensure that a range of broadcasts is available to provide for the interests of women, children, persons with disabilities, and minorities in the community including ethnic minorities;

(d) To encourage the establishment and operation of archives of programmes that are likely to be of historical interest in New Zealand by making funds available, on such terms as the Commission thinks fit, for:

(i) Broadcasting;
(ii) The production of programmes to be broadcast; and
(iii) The archiving of programmes.

792. Section 37, on the promotion of New Zealand content in programming, elaborates further the scope of section 36(a), directing the Commission, *inter alia*, to consult with various interest groups in the development of programmes, to ensure that provision is made for the production of drama and documentary programmes, and for the broadcasting of New Zealand music.

793. In order to improve the representation of Maori and ethnic content in broadcasting and in general to broaden the view of New Zealand society portrayed in broadcasting, the Government has directed the Broadcasting Commission to allocate a minimum of 6 per cent of its broadcasting fee income to Maori broadcasting.

794. One of the functions of the Broadcasting Authority is to encourage the development and observance of "safeguards against the portrayal of persons in a manner which encourages denigration of or discrimination against sections of the community on account of sex, race, age, occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs".

Radio

795. Radio New Zealand, originally established as the New Zealand Broadcasting Service in 1936, offers a range of commercial and publicly-funded programmes. An extensive network of community and mini-stations has been established throughout the country over the years. In addition, the National Programme and the Concert Programme are broadcast nationwide. Radio holds a place of unique importance in the society, both because of New Zealand's geographic isolation from the rest of the world and because of the scattered and isolated nature of many communities. In 1989, New Zealand had 4.3 million household radios and over a million motor vehicle radios. Independent audience research indicates that radio is regarded by New Zealanders as the most important medium, compared with television, newspapers and magazines.

796. Radio New Zealand seeks to fulfil its statutory responsibilities to reflect and develop New Zealand culture in a variety of ways. Resources are allocated to market research and seeking audience feedback in order to stay in touch with listeners' expectations and preferences. Special attention has been focused on national identity and culture in 1990, for example through the provision of free air time to build up public awareness and support for the

Sesquicentennial Year. Radio New Zealand was the "official Radio Broadcaster" for the 1990 Commonwealth Games in Auckland, again making available extensive free air time to develop public support through commercial community stations. These stations are regularly involved in fund raising and promotional support for community development, charitable and compassionate projects.

797. Radio New Zealand has a policy that stations in areas with 10 per cent or more Maori population should work towards a weekly Maori news bulletin in English. Community stations are encouraged to broadcast news of events and information of interest to the Maori community. Te Reo o Aotearoa broadcasts a wide range of Maori and Pacific Island programmes through National Radio, in Maori, Pacific Island languages and English.

798. The Concert Programme has a special role in supporting the development of New Zealand composers, musicians, poets and writers through a large number of programmes and projects on air. During 1989, 210 solo artists and ensembles contributed to its programmes. More than 270 New Zealand compositions were broadcast.

799. ACCESS Community Radio is presented by volunteers, representing more than 100 minority interest groups. Access Radio broadcasts each evening and all day Sunday in Auckland, and through weekends in Wellington and Christchurch. A wide range of information, alternative music and ethnic language content is covered in its programmes.

800. Radio New Zealand Sound Archive holds a resource of 31,000 historical tapes and discs, and 100,000 gramophone records. The Archive services the entire radio industry, other media and the entertainment business as well as assisting in research applications.

Television

801. Television has also undergone a process of deregulation since 1988. Television NZ Ltd., a State-owned enterprise, operates two channels, broadcasting to almost the whole country. TV3, a privately-owned company, began broadcasting in 1989 and reaches much of the North Island with a programming mix similar to that of the State channels. In the deregulated environment, more licences have been offered for sale and further (smaller) companies are in the process of being established.

802. The total television audience of TVNZ has continued to grow, as has its local production content. In 1989, 2,504 hours of New Zealand production were broadcast. These included local drama, documentary and feature programmes including those concentrating on the arts in New Zealand.

803. In 1986, TVNZ established a Maori production unit which aims to produce programmes for fluent and non-fluent Maori speakers, and for Maori and other New Zealanders interested in Maoritanga. Maori subjects and perspectives are reflected in regular programming, being incorporated into drama, documentaries, entertainment, news, current affairs, sport and children's programmes. Daily news programmes are broadcast in the Maori language. There is also a weekly programme for Pacific Island people, formerly in the languages of the Pacific Island communities in rotation but now in English.

804. Television New Zealand has over the years been a sponsor and supporter of many charities, arts organizations and environmental groups. An important example of its activities in this regard is the "Telethon", a weekend long fund raising programme based on televising of special activities around the country. Since the first Telethon in 1975, TVNZ has helped raise over $30 million for nominated charities in the fields of health and community care. The tenth Telethon is scheduled for September 1990 and will raise funds for the aged in New Zealand.

805. Television New Zealand has maintained its community role since the shift to State-owned enterprise status. In 1989 the equivalent of $6 million was donated to community activities, through direct sponsorship, fund raising appeals, or the broadcasting of free community service advertisements. Other organizations sponsored by the company include the New Zealand Symphony Orchestra, Young Musicians Award, Mercury Theatre, Parents' Centre and the Cot Death Society.

(e) Preservation and presentation of cultural heritage

National Archives

806. National Archives selects, preserves and makes available records of State which are of permanent value to the people of New Zealand. These records are drawn from various areas of government - Parliament, Ministers of the Crown, departments of State, the armed services, the courts, commissions of inquiry, and other agencies.

807. The prime purpose of keeping archives is set out in the Archives Act 1957. Archives preserve evidence of the functions, policies, transactions and decisions of government which have affected New Zealanders' lives, liberties, property, rights and status as citizens. These documents provide information on events which have influenced the course of New Zealand's development. To ensure their preservation, National Archives has statutory control over the disposal and destruction of public records. The National Archives headquarters is situated in Wellington, with branches in Auckland and Christchurch. In other centres, records are cared for by non-governmental libraries or museums which are designated as "approved repositories". An amendment to the Archives Act in 1988 has enabled National Archives to provide records management advisory, training and storage services on a cost recovery basis.

808. In addition, the Local Government Act 1974 enables National Archives to advise and assist local authorities in preserving their archives.

809. The National Archives holds an estimated 30,000 linear metres of written and typed documents, and in addition some 500,000 maps and plans as well as a large number of photographs and pictures. The holdings constitute the largest source of unpublished information on a wide range of public and private activity in New Zealand - political, social, economic, scientific, military, technological and administrative.

810. Important and interesting records from the 19th century include those of the New Zealand Company, the provincial governments, the Colonial Secretaries and the Governor. Records from this century include material from the

numerous war-time agencies. Research for claims to the Waitangi Tribunal has meant much greater use of official archives from last century documenting land purchase and other subjects brought to the Tribunal.

811. In addition to records documenting the multifarious activities of modern government, papers of famous politicians such as Richard John Seddon, Sir Walter Nash and Norman Kirk are held as well as those from a number of former cabinet ministers.

812. In carrying out its function of making archives available, National Archives arranges and describes the archives and provides reading and reference services.

813. $28,854,000 was provided for the 1989/90 financial year, and included purchase of the Government Print Building in Wellington as the new headquarters for National Archives, and construction of a purpose-built archives repository in Christchurch.

New Zealand Film Commission

814. The Commission was established in 1978, its functions and powers being defined in the New Zealand Film Commission Act 1978. It assists and participates in the making, distribution, exhibition and promotion of films with a "significant New Zealand content", as prescribed in the Act. Its marketing and distribution have served to establish the international reputation of New Zealand cinema, while its Short Film Fund offers assistance to new film makers.

815. The New Zealand National Film Unit, which made short, mainly documentary films, was sold in March 1990 to a subsidiary of Television New Zealand. Funding is to be provided to the new owner through the Film Commission for the next two years - 1989/90 funding: $1,012,500 - for the production of films consistent with the terms of the Film Commission Act.

816. Because it has only limited funds to invest directly in film production the Film Commission is concerned to stimulate private investment, which declined in the second half of the 1980s.

817. Total funding for the New Zealand Film Commission in 1989/90, excluding the sum, just noted, arising from the sale of the National Film Unit, was $10,159,375, of which $6,159,375 was provided by the New Zealand Lottery Grants Board.

New Zealand Film Archive

818. The New Zealand Film Archive was established as a Charitable Trust in 1981. The Archive aims to preserve and make accessible moving image materials. The Archive trustees represent film, archive, educational and Maori interests. Its main sources of funding are the New Zealand Lottery Grants Board, the New Zealand Film Commission, Department of Internal Affairs and Television New Zealand. Total funding for the 1989/90 financial year totalled $815,718.

819. The Archive operates a preservation programme, including transferring nitrate film to safe material, acquisition, documentation, access and public relations and liaison programmes. The Archive is a member of FIAF, the international film archive association.

820. The Film Archive has expanded its operations greatly since it began in 1981. This is reflected in its budget, which has doubled since 1986.

New Zealand Historic Places Trust

821. The New Zealand Historic Places Trust is empowered under the Historic Places Act 1980 to foster public interest in historic places, and to assist and undertake their protection and preservation. It has restored a number of properties and has also assisted in preserving many others by financial grants and technical advice. The Board of Trustees represents various areas of interest related to the Trust's functions. Regional committees operate locally and the associate members, (some 23,000), provide both financial and practical support.

822. The Trust's main concern is to preserve sites and buildings. Twenty-four such properties are currently open to the public. The Trust owns additional properties and is also involved in the administration of some which are owned by other organizations, as well as in the mmanagement of a number of historic reserves.

823. The 1980 Act introduced provisions regarding historic areas and traditional sites. These are classified and recorded by the Trust, which can also recommend protective measures to the approriate authorities.

824. The Act gives the Trust power to protect buildings of national historical or architectural importance, through the issuing of protection notices and repair notices. The Act also provides an important incentive to owners in the form of heritage covenants which can be negotiated with the Trust to protect properties of historical interest, and to enable the Trust to assist owners with their preservation and maintenance. The Act also recognizes the concepts of Maori traditional sites and historical areas, and provides legislative machinery for their protection through planning procedures at the initiative of the Trust.

825. These provisions place much wider responsibilities on the Trust than did the 1954 Act. However, the Government has acknowledged that the legislation needs updating, and new historic places legislation - designed to dovetail with new resource management laws - was pending in mid-1990.

826. Since 1971 the Trust has been engaged in the inspection and classification of historic buildings throughout New Zealand. By mid-1990 it had classified 4,643 buildings. The Trust has also marked many historic places with plaques and noticeboards, and historic sites are sometimes protected by some form of reservation.

Protection of antiquities and archaeological sites

827. The Antiquities Act 1975, which came into force in April 1976, includes provisions controlling the sale of Maori artefacts within New Zealand and all artefacts found after 1 April 1976 are deemed to be *prima facie* the property

of the Crown. The Act provides export control on a wide range of items of historical significance: Maori artefacts; chattels relating to the European discovery, settlement or development of New Zealand; certain written and printed matter; certain works of art, reproductions, prints, films and sound recordings; type specimens of animals, plants and minerals; remains of extinct fauna; and certain items of shipwreck. Objects must be more than 60 years old before they can be protected under the Antiquities Act.

828. The first court case considered under the Antiquities Act 1975 concerned the illegal export of the "Cook Instruction", a letter written by Captain James Cook to his second-in-command in 1776. The Department of Internal Affairs took the Poverty Bay Club of Gisborne to court and in 1989 the club was convicted of removing the document from New Zealand without reasonable excuse and without the necessary Certificate of Permission of the Secretary of Internal Affairs.

829. Since July 1986 a major review of the Antiquities Act has been undertaken. The proposed Protection of Moveable Cultural Property Bill will likely provide for greater recognition of the Treaty of Waitangi by vesting ownership of newly found Maori objects with Maori. The Secretary for Internal Affairs will be required to consult with Maori authorities in matters involving the export of Maori objects. The Bill will also provide objective criteria for defining protected categories of all cultural property for export monitoring purposes. It is intended that the Bill, when enacted, will enable New Zealand to accede to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. It is hoped the Bill will be introduced into Parliament in 1990.

830. Whereas the Antiquities Act is essentially concerned with "portable" objects, a companion measure, the Historic Places Act 1980, deals more specifically with the protection of archaeological sites. It is necessary to obtain the consent of the New Zealand Historic Places Trust before damaging, destroying or modifying any archaeological site or undertaking a scientific archaeological investigation of any site.

831. In addition, the Department of Internal Affairs is responsible for the maintenance of some 60 historic graves, monuments and cemeteries of national significance throughout New Zealand. The annual amount expended is approximately $22,000.

Cultural Conservation Advisory Council

832. In 1979 an Interim Committee for the Conservation of Cultural Property was established to advise the Minister of Internal Affairs on the development of conservation facilities and services. In 1987 this was replaced by the Cultural Conservation Advisory Council. The Council's terms of reference require it to advise the Minister of Internal Affairs on future developments of cultural conservation requirements; to identify, promote and set national priorities for the conservation of New Zealand's cultural property; and to identify and arrange employment and training opportunities for people to carry out conservation work. The Council has developed a number of funding projects

to implement these terms of reference, including a conservation projects programme; education and training programme; employment programme and travel and publicity programmes, as well as funding research on conservation projects.

833. The conservation projects programme emphasizes the funding of preventive rather than remedial conservation. Funding through this programme is available to all public cultural heritage institutions and includes subsidies against the cost of conservation consultation, surveys of institutional collections, treatments for objects, equipment and material purchases and research.

834. The education and training programme covers the recruiting and training of conservators to work within New Zealand collecting institutions, and continuing education and training for non-conservation staff of collecting institutions. This programme includes funding for conservation seminars, conferences and workshops.

835. The Council emphasizes the training of Maori conservators to ensure the Maori collections receive conservation treatment which is both scientifically and culturally appropriate. (Further information is contained under sub-heading (g) of this section, on training of professionals in culture and art.)

836. The employment programme is focused upon establishing a national network of conservation services based in the regions. A Northern Regional Conservation Service and a Wet Wood Conservation Service have been established in Auckland, and it is hoped to establish a Southern Regional Conservation Service in 1990.

837. The Council receives its funds through both the Department of Internal Affairs and the New Zealand Lottery Grants Board sources. This totalled $663,000 for 1989/90.

Historical Branch

838. The Historical Branch of the Department of Internal Affairs produces books in areas of history of direct importance to New Zealand; promotes research into, and publication of, New Zealand history and provides assistance to government departments in the publishing of their histories. The Branch administers a History Research Trust which has about $80,000 annually to make grants for the research, writing and publication of New Zealand history.

839. The Division's 1989/90 budget allocation from Vote: Internal Affairs and from the Lottery Grants Board was $948,060.

Dictionary of New Zealand Biography

840. A unit was established in the Department of Internal Affairs in 1983 to produce the Dictionary of New Zealand Biography. Volume 1 covering 1769-1869 has been published in 1990 containing some 600 essays averaging about 1,000 words. A Maori language edition of the 160 essays in Volume 1 about Maori people will be published later in 1990. A second pair of volumes covering 1870 to 1900 should be published in 1992.

841. The unit's combined budget for 1989/90 from finances allocated to the Department of Internal Affairs and from the Lottery Grants Board was $850,500.

(f) Freedom of artistic creation

Censorship legislation

842. Films, sound recordings, publications and other articles may not be imported into, exhibited or distributed in New Zealand if they are judged to be indecent, obscene or injurious to the public good.

843. Under the Films Act 1983 every film and video intended for public exhibition in New Zealand must be submitted to the Chief Censor for exemption or examination, unless he otherwise agrees. The Chief Censor is required to determine whether any film is or is not likely to be injurious to the public good. His decision may be reconsidered by the Films Censorship Board of Review.

844. The Customs Act 1966 prohibits the importation of all films, books, etc. that are indecent within the meaning of the Indecent Publications Act 1963, and of all other articles determined to be indecent or obscene.

845. Videos intended for private use are controlled by the Video Recordings Act 1987, which is administered by a separate statutory authority, the Video Recordings Authority. The criteria in the Video Recordings Act are a combination of those applied in the Films Act and Censorship and the Customs Act.

(g) Professional education in the field of culture and art

846. Massey University has offered a post-graduate Diploma in Museum Studies since 1989 and an undergraduate paper on "Introduction to Museum Studies". The University assumed responsibility for the administration of the Diploma from the Art Galleries and Museums Association of New Zealand (AGMANZ). The Diploma has been established on a three-year pilot basis, funded by the New Zealand Lottery Grants Board with the assurance that Massey University will fully fund the programme after 1991.

847. The Museum of New Zealand Project Board anticipates the new Museum of New Zealand will require an additional 160 museum workers by 1996 and has embarked on a training programme to meet this need. So far funds have been allocated to support 4 people on 2-year training contracts and 11 trainees on 1 year or 10-month programmes.

848. Of these, 12 are based at the National Museum and National Art Gallery and 3 are undertaking supervised training at the Te Awamutu Museum, the Waitomo Museum of Caves and the Waikato Museum of Art and History. Part of the intention of this programme is to provide a pool of trained museum workers, particularly Maori, for the museum, without diminishing the existing pool of personnel from other museums.

849. New Zealanders are regularly sent to undertake conservation training at the National Centre for Cultural Heritage Science Studies at the Canberra University, Australia, with the financial assistance of the Cultural Conservation Advisory Council. Currently New Zealand

has 10 students in various stages of conservation training and in total the Council and its predecessor have funded 27 students in full-time training programmes since 1979.

850. Courses are available for teachers through the Advanced Studies for Teachers Unit and the Colleges of Education in the areas of Art Education, Language and Literature Studies, Music Education, etc. These courses are professionally oriented and are available to teachers at all levels of teaching.

851. As well as providing training in the visual arts and music, the Ministry of Education administers a Performers in Schools scheme in collaboration with the Queen Elizabeth II Arts Council.

B. Right to enjoy the benefits of scientific progress and its applications

1. Principal laws, administrative arrangements, collective agreements and other types of arrangements

852. The principal laws and other arrangements concerned with the right to enjoy the benefits of scientific progress are:

(a) The Scientific and Industrial Research Act 1974;

(b) The Foundation for Research, Science and Technology Act 1990;

(c) The Ministry of Agriculture and Fisheries Act 1953;

(d) The Royal Society of New Zealand Act 1965.

2. Application of scientific progress for the benefit of everyone, including measures to promote a pure environment

853. A number of institutions are involved in programmes for the application of scientific progress in New Zealand. Scientific research is carried out by the research divisions of government departments, universities, joint government/industry-funded research associations, and private organizations, some of which receive government assistance.

854. As part of the process to reform science administration in New Zealand, the Ministry of Research, Science and Technology was established in 1989 to advise the Government on national science and technology policy.

855. The Department of Scientific and Industrial Research (DSIR) was formed in 1926 and is New Zealand's largest scientific research organization, with 1,050 scientists and 830 science technicians.

856. The title of the Scientific and Industrial Research Act 1974 (under which the DSIR operates) makes clear its purpose to make the benefits of scientific progress as widely accessible as possible. The Act is "... to make provision for the promotion and organization of scientific research, development and services associated with the economic development, social welfare, and other national interests, of New Zealand".

857. Section 5 of the Act sets out the functions of the DSIR, starting with the responsibility to initiate, plan and implement research "calculated to promote the national interest of New Zealand". Another function is to undertake research and provide advisory services for government departments, authorities, institutions, associations, companies and other persons.

858. The Department has since its inception given a strong emphasis in its work to the application of science and research to the development of New Zealand. The development of New Zealand's land-based economy owes a great deal to scientific and technological innovations, such as freezer technology and advances in plant breeding to suit the local climate.

859. One of the scientific goals of the DSIR relates to the health environment and social sciences. In cooperation with the Department of Health, the Department has long maintained chemical analytical surveillance of foods, waters and pharmaceutical preparations in order to protect human health and assess environmental impacts from agricultural and industrial developments. The Department's social science unit studies the processes and implications for society, of technological change. (Reference should also be made to the report under article 12 for information on environmental and industrial hygiene.)

860. The Ministry of Agriculture and Fisheries also has important research functions. Further information on this aspect is contained in the report under article 11 (section B.3).

861. The New Zealand Forest Research Institute is the national organization for undertaking research into forestry and wood processing and use. The Institute supplies around 80 per cent of research and development information to the New Zealand forestry sector and also markets its research overseas. The Institute's work focuses on four main areas, namely forest management and resources; forest health and improvement; wood technology; and protection and restoring the water, soil and other values of forests.

Recent reforms

862. The last five years have seen major changes to the structures and funding of government-sponsored scientific activities in New Zealand. By the mid-1980s the Government had become concerned that State-funded research and development had become isolated both from the wider community and from the needs of the industrial community, and that duplication of effort was occurring between the various institutions. To address these concerns and review its appropriate role in this field, the Government appointed a Ministerial Working Party on Science and Technology, which presented its report "The Key to Prosperity: Science and Technology" in December 1986. Implementation of the report was considered by the interim Science and Technology Advisory Committee (STAC), which reported in November 1988.

863. The main objectives identified in these reports, which formed the basis for the ensuing reforms, were:

(a) Involving the broad community in science and technology, to reverse a tendency for science to become isolated from those it should be serving;

(b) Making science a more profitable investment by ensuring that New Zealand undertook the science most relevant to its needs;

(c) Fostering greater cooperation and communication between industry, government science departments, universities and others involved in research.

864. The STAC recommended that government science policy advice and funding allocation be separated from its operational research and development. It suggested that government science investment be made available to all research organizations on the basis of contestability; and that research workers and the community should become much more involved in the whole process of science and technology.

865. On the basis of these reports, major changes to government science structures were implemented in 1989. A new Cabinet portfolio of Research, Science and Technology was established, linked to an ad hoc Cabinet Committee. The new Ministry of Research, Science and Technology was set up to provide the Government with advice on national science and technology policy, national science outputs and priorities and funding levels.

866. A Foundation for Research, Science and Technology was also formed to operate a contestable funding system for an increasing proportion of government-funded research. Enabling legislation was passed in 1990 in the Foundation for Research, Science and Technology Act. Further information on the Foundation is contained under section E below.

3. Diffusion of information on scientific progress

867. The DSIR has an active programme for the diffusion of information on scientific progress. Under section 5 (d) of the Act, the Department is charged with the collection and dissemination of scientific and technological information, including the publication of scientific reports and journals. All DSIR Divisions are responsible for disseminating the results of their research, in the most appropriate form, to industry, the wider scientific community, and interested members of the public.

868. The DSIR has close contact with the media. Over 2,000 articles a year appear in New Zealand's media informing the public of its activities. The Department also regularly holds open days for specialist groups and the general public.

869. SIRIS, the Scientific and Industrial Research Information System, is a bibliographic data base covering science published in New Zealand, about or relevant to New Zealand or published by New Zealand authors overseas. The data base was established in 1980 and by 1990 had 37,000 entries.

870. In addition, the Department has three specialized information units:

(a) DSIR Library Centre has the largest collection of scientific books and periodicals in New Zealand. It has on-line access to the DSIR library holdings data base and to SIRIS, as well as to cover 500 overseas data bases;

(b) DSIR Publishing undertakes scientific and copy editing, design, market research and distribution of publications;

(c) DSIR Science Mapping Unit provides cartographic services, scientific graphics, plan printing, etc.

871. The Department also undertakes a range of educational activities, recent examples being the production of educational videos and of teaching packages useful for school curricula, assistance for a "Women in Science" teacher resource, and support for science fairs. The DSIR continues to provide free general science information to schoolchildren and other members of the general public.

872. Government scientists are encouraged to publish scientific research in scientific journals, reports and books both in New Zealand and overseas. Publication is an integral part of the scientific process. It helps advance the careers of individual scientists by providing a rational description of their work, and authenticates research since each paper is scrutinized and approved by an independent scientific editor before being published.

873. The Royal Society of New Zealand, about which further information is provided in later sections, has an important statutory role in the dissemination of scientific knowledge, which it performs through a range of activities.

874. For over 120 years, the Society has published a Journal of research papers. This not only gives New Zealand scientists an opportunity for publishing their results but forms the basis for an exchange of publications with all the other national learned societies throughout the world. Topics covered in the Journal in 1988 for instance ranged from the geochemistry of petroleum basins, the chemistry of natural products in New Zealand, to the occupation of New Zealand by Polynesians.

875. The Society also publishes the proceedings of international conferences held in New Zealand, especially if the topic is of major national importance. (Recent examples cover dietary fibre, biology of deer production and volcanism in New Zealand.)

876. Another aspect of the Society's programme in this field is the publication of scientific information relating to topical issues. Examples are a 1988 report on climate change, and in 1989 a review of drugs and sport.

877. The Society organizes the Rutherford, Cockayne and Fleming lecture tours annually through its eight regional branches.

878. All the major research associations described below under section D, publish annual reports and/or regularly publish the results of their work, as well as other research papers and contributions to conferences, etc.

4. Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of all human rights, including the rights to life, health, personal freedom, privacy, etc.

879. Although there are no special laws to prevent the use of science for purposes threatening life, health or personal freedom, such activities would be covered by the provisions of the Crimes Act.

880. One of the purposes of the Wanganui Computer Centre Act 1976 is to ensure that the computer system set up under the Act makes no unwarranted intrusions upon the privacy of individuals. The Act also set up the post of the Wanganui Computer Centre Privacy Commissioner, to investigate any complaints about such matters.

C. Protection of moral and material interests of authors

New Zealand Authors' Fund

881. The New Zealand Authors' Fund was established in 1973 to assist authors normally resident in New Zealand by compensating them for loss of royalties through the use of their books in New Zealand libraries. It is administered by the Department of Internal Affairs.

882. Payments are made annually on the basis of a departmental survey of library holdings of each title. The survey is carried out in a selection of tertiary educational institutions and public libraries throughout New Zealand. Once eligibility requirements are met, payments are automatic, provided the author re-registers with the Fund each year.

883. The Authors' Fund is funded solely through finances allocated to the Department of Internal Affairs. It received $724,000 in 1989/90.

Copyright

884. The Copyright Act 1962 grants copyright protection to authors of original literary, dramatic, musical and artistic works, to producers of sound recordings and cinematographic films, to broadcasters and to publishers of editions of works. New Zealand adheres to both the Bern and Universal Copyright Conventions. Protection under the Copyright Act conforms with the requirements of those conventions and extends in favour of nationals of other countries which adhere to those conventions.

885. Copyright protection encompasses the usual economic rights (exclusive rights to reproduce, publish, perform, etc.) and also the moral right to prevent the false attribution of authorship. Remedies are basically civil (damages, injunctions, etc.) supported by criminal sanctions on piracy and other infringements for personal gain.

886. The Act protects a wide range of industrial and utilitarian objects by recognizing drawings (including technical drawings) as "artistic works". An amendment to the Act in 1985 reduced copyright protection for "industrially applied" articles to 16 years, to bring it into line with the period of protection for patents and registered designs. Even with that amendment, New Zealand law is somewhat exceptional (possibly unique) in the extent of its copyright protection of industrially applied articles.

887. Although New Zealand authors have enjoyed copyright protection under the Copyright Act 1962 and its predecessors, increasing concern has arisen in recent years over the impact of new technology on this important right. Problems have arisen, for example, in the area of educational copying.

888. Recognizing the need to revise present copyright laws in the light of recent technological developments (and law changes overseas), the Government is in the process of comprehensively reviewing the Copyright Act. In 1985 a discussion paper was issued and submissions were invited from the public. These provided the basis for the Government's paper entitled "The Copyright Act - Options for Reform", published in 1989. This aims to air the issues to be considered in copyright reform, not only with those most directly concerned, but in the wider community, where it is felt they are not well known at present. New legislation will be put in place when other legislative priorities permit.

889. New Zealand is a party to the International Convention for the Protection of Industrial Property (the Paris Convention). The New Zealand Patent Office (a division of the Department of Justice) administers the Patents Act 1953, the Trade Marks Act 1953 and the Designs Act 1953. Patents are granted for a maximum of 16 years. Trade marks may be kept on the register indefinitely, subject to the payment of fees. Registration of designs is for an initial period of 5 years, up to a maximum of 15 years.

890. Under section 12 of the Scientific and Industrial Research Act 1974 (inventions by employees), any intellectual property developed by a DSIR employee belongs to the Crown if it was developed in the course of the employee's duties, or principally with Crown resources but any other intellectual property developed by the employee "shall, as between him and the Department, belong to the ... employee". Officers or employees of the Department may receive payment in respect of such inventions or discoveries.

891. Issues relating to ownership of intellectual property rights are however currently being addressed further by the Government as the new Ministry of Research, Science and Technology completes the transition to the new funding arrangements described elsewhere in this article.

D. Steps taken for the conservation, the development and the diffusion of science and culture

1. Principal laws

892. Laws already mentioned in preceding sections, and the Education Acts 1964 and 1989 are the main items relevant here.

2. Other practical steps

893. Reference may be made to other parts of the report for information relevant to this section. For example, section A under this article provides details of measures for the conservation and development of the arts and culture, and the role of the communications media in diffusing information about them. The promotion, development and diffusion of science and scientific research is discussed under sections B and E.

894. As explained in the report under article 13 (section B), general science, mathematics, social studies, arts and crafts, and music are part of the core curriculum in New Zealand schools, until the end of the fourth form year at secondary schools.

895. The Ministry of Women's Affairs has recently investigated factors affecting the performance and enrolment of girls in the study of mathematics. It appears that young women are more likely than young men to drop out of rigorous mathematics programmes at secondary school. These programmes are essential for entry to upper-level mathematics and science courses which, in turn, lead to the maths-intensive university programmes necessary for students wanting to take up careers in the physical sciences, engineering, technology, etc. The findings of the project will be included in a report the Ministry is preparing on the reasons why girls succeed - and why they may fail - to enjoy and benefit from their school education.

896. Science fairs for secondary science students supported by the DSIR and the Royal Society are now established as an annual event. To enhance science teaching, a working party has been established to prepare guidelines for teachers and Boards of Trustees on equipment, safety standards and technical personnel.

897. One of the functions of the new Ministry of Research, Science and Technology will be to facilitate and promote public awareness of science and science education.

898. The Ministry administers three other Acts of Parliament relating to the promotion of research activity in New Zealand. These are the Thomas Cawthron Trust Act 1924, the Carter Observatory Act 1938, and the Royal Society of New Zealand Act 1965. The Acts cover important scientific institutions, which also receive support from the Government, namely: the Cawthron Institute (undertaking research in marine biotechnology, microbial enzymes, and estuarine and coastal ecology); the Carter Observatory (the national astronomical observatory); and the Royal Society of New Zealand.

899. The Royal Soceity of New Zealand is charged with the statutory responsibility to promote scientific endeavour and achievement. In addition to its role as a scientific academy, the Society acts as a coordinator between national scientific societies and as a channel for communication between science and government, and in the international science field. Further information on its work is set out in section D below.

Research associations

900. There are 11 research associations in New Zealand whose work relates to broad industry sectors such as textiles (Wool Research Organization of New Zealand), food products (New Zealand Dairy Research Institute), energy resources (Coal Research Association of New Zealand), and construction (Building Research Association of New Zealand). Each association has membership of firms in a particular industry. The primary aim of the Research Associations is to benefit New Zealand's manufacturing and processing industries. Each association is financed by member firms and through government funding made available for contract research through the Foundation for Research, Science and Technology. Associations provide equipment and facilities which member firms individually may be unable to afford or utilize. The Associations play a significant part in the transfer

of technology. Research interests can be divided into broad categories: investigations related to the improvement of the manufacturing processes and investigations aimed at improving the use of a final product.

3. Freedom of exchange of scientific, technical and cultural information, views and experience between scientists, writers, creative workers, artists and other creative individuals and their respective institutions; and measures to support learned societies, academies of science, professional organizations, unions of workers

901. Information has been provided in section A under this article with regard to the Queen Elizabeth II Arts Council and other bodies engaged in the promotion of artistic and cultural activities. Various mechanisms for the diffusion of information described in section B are also relevant here.

902. The Royal Society of New Zealand provides a neutral ground in which scientists and others with a wide variety of institutional and organizational allegiances can meet and review matters of interest and concern. The Society organizes its statutory operations on the basis of three programmes, namely: the Dissemination of Scientific Knowledge; the Advancement of Science and Technology; and International Science. Within these programmes, activities for the exchange of information, views and experience, for example through publication in the Society's "Journal", or through participation in international conferences, are of particular importance.

903. The Government pays the annual subscription of the Royal Society for its membership as New Zealand's national representative in the International Council of Scientific Unions. The Council is concerned with policy related to the freedom of pursuit of science, freedom of departure to attend a conference in another country, and freedom of access to a conference.

904. Through its bilateral training programme as part of Overseas Development Assistance, offering students and technicians opportunities for study in New Zealand and in third countries, New Zealand provides financial support, equipment and staff for regional and national research institutions in other countries.

E. Right to freedom of scientific research and creative activity

1. Principal laws

905. Reference should be made to other sections under this article, especially sections A, B and F.

906. Several of the functions of the DSIR as set out in section 5 of the Scientific and Industrial Research Act 1974 are aimed at promoting research, viz. section 5 (a) ("initiating, planning and implementing research"); 5 (f) ("encouraging and assisting the formation and operation of research associations"); 5 (g) ("making grants ... to organizations or persons for the purposes of research"); and 5 (j) ("maintaining liaison with other research organizations in New Zealand or overseas").

2. Measures designed to promote enjoyment of this right, including the creation of conditions and facilities

907. The establishment of the Foundation for Research, Science and Technology in 1989 was an important development in this area. Section 5 of the Act establishing the Foundation sets out its functions, which include the allocation of funds for the production of "public good" science outputs.

908. The Foundation is the main mechanism for achieving the Government's aim, in recent science sector reforms, to increase access to research funding and to encourage innovation. Instead of funding only institutions (science departments and research associations), the Government will in future purchase science outputs from whichever institution is best able to provide each output. The funds for this purchase will be contained in the contestable pool of research funds. Eventually, all funds previously allocated by the Government to institutions will be used by the Foundation to purchase "public good" science outputs. The contestable pool of funds available in 1989-1990 was approximately $260 million. In the first year of operation of the new process, the Foundation will allocate 20 per cent of this pool with the percentage, in principle, increasing annually until it is allocating all funds for Crown-funded "public good" research. In order to provide a transitional period, the remaining 80 per cent of the contestable pool for 1990-1991 is available only to government departments.

909. Contestability is achieved through a process of science providers preparing bids for funding. Bids are put forward from both the public and private sectors within a broad framework set down by the Government.

910. To ensure greater community input into the development of science and research policy, the Board of the Foundation comprises representatives of the business and wider scientific community to assess research proposals for funding. Private investment in research funding is expected to increase as a result of greater community involvement in identifying science priorities and helping invest public research funds.

911. In some industries, a levy is applied under Statute to help finance research. Examples are the Building Research Levy Act 1969 and the Heavy Engineering Research Levy Act 1978. These Acts and associated regulations are administered by the DSIR. Draft legislation before Parliament in the Commodities Levies Bill is designed to facilitate the funding of research by particular industry groups (especially primary industries). The legislation, if adopted, will enable industries to institute a compulsory levy for the funding of research and development, possibly in conjunction with government funding through the Foundation for Research, Science and Technology.

F. Encouragement and development of international contacts and cooperation in the scientific and cultural fields

Principal laws

912. The principal laws concerned with the development of international contacts in the scientific and cultural fields are:

(a) The Scientific and Industrial Research Act 1974;

(b) The External Relations Act 1988.

913. New Zealand is geographically isolated from the major world centres of scientific and technological development. It is recognized that international contacts are necessary for the continued technological development of New Zealand. International contacts vary from formal agreements to informal contacts between individuals.

914. New Zealand has entered bilateral science and technology cooperation agreements with China, the Federal Republic of Germany, Mexico, Romania, Singapore, the United Kingdom and the United States of America. A number of bilateral agreements for trade and economic cooperation also include a component for technology cooperation (for example, those with Brazil, Canada, Colombia, Ecuador, Egypt, the German Democratic Republic, Iran, Iraq and Yugoslavia). These are administered by the Ministry for Science, Research and Technology in conjunction with the Ministry of External Relations and Trade. The DSIR is also engaged in scientist exchange systems with its official counterparts in Australia, India and China.

915. Several provisions of the Scientific and Industrial Research Act (section 5) involve the Department of Scientific and Industrial Research in international contacts and cooperation. In particular, section 5 (j) directs the Department to maintain liaison with other research organizations in New Zealand or overseas.

916. New Zealand is a member of research and development implementation agreements within the International Energy Agency and the OECD Co-operative Agricultural Research programmes, and works closely with the United Nations family of organizations. New Zealand is also a member of international and regional groups such as the Commonwealth Science Council, the Association of Science Co-operation in Asia (ASCA), the Consultative Committee for Offshore Prospecting in the South Pacific (CCOP/SOPAC), the South Pacific Commission, the Pacific Economic Co-operation Committee (PECC), and COMMANSAT (the new Commonwealth science body for Strategic Management and Planning of Science and Technology agreed to by Commonwealth leaders at their 1989 meeting in Kuala Lumpur).

917. Informal personal contacts form a major source of international contact for New Zealand scientists in all the major institutions. Contacts are effected through attendance at international conferences, and exchanges of visiting scientists. Financial provision is made for scientific staff in New Zealand to attend overseas conferences. Scientists of the DSIR attend and present papers to a number of international conferences each year. Study award schemes are also well-established. Each year the DSIR awards six Prestige Travel Awards, enabling scientists to enhance their knowledge by studying and working at international research centres.

918. In addition, the research associations described in section D above monitor international developments in their particular field and have developed specialized networks of contacts. The associations contribute to valuable technology transfer, for example by publishing the findings of overseas research and development in their industry magazines and other publications.

919. The Royal Society of New Zealand acts as a channel for communication in the international science field (as well as between national science societies, and between science and government). The Society's Journal, for example, exchanges publications with national learned societies throughout the world. In 1989, the Society sponsored four senior secondary students to the Bicentenary Australian and New Zealand Association for the Advancement of Science, in Sydney. The Society administers New Zealand's relationships with a number of international scientific bodies including the International Council of Scientific Unions (ICSU), 16 of its specialist International Unions, and 10 Scientific Committees and Associates of ICSU. On the basis of this membership, New Zealand has been able to sponsor and organize a number of international symposia. Since the first symposium in 1965, about 50 have been held in New Zealand.

920. During 1989, the Royal Society joined an important new international initiative, the International Geosphere-Biosphere Programme. This is a coordinated programme of research that will serve as a basis for assessing future changes on the Earth in the next 100 years arising from the interdependence of the biological systems and the rapidly polluting physical environment.

921. New Zealand is a founding signatory to the Antarctic Treaty, which was adopted in 1959 as the basis for a system of international cooperation in all activities relating to Antarctica. The Treaty requires that Antarctica be used for peaceful purposes only and promotes international cooperation, freedom of scientific investigation, and the exchange of information and scientific personnel. The New Zealand Antarctic Research Programme is coordinated by the Ross Dependency Research Committee. In addition to its role in the organization and administration of New Zealand activity in the Ross Dependency (administered by New Zealand), the Committee coordinates New Zealand activity with that of other countries operating in Antarctica and, in particular, with any of their expeditions operating in the Ross Dependency.

922. New Zealand's membership of UNESCO provides a framework for participation in a range of international scientific and cultural interchanges. The New Zealand National Commission for UNESCO is structured around a broadly based Commission with members representing the fields of education, the arts and science; and interdepartmental Executive Committee; and a small secretariat. The Commission liaises with the competent authorities within New Zealand in relation to various UNESCO conventions, recommendations and programmes. In addition to preparing reports on the implementation of UNESCO instruments, the Commission from time to time undertakes public information activities to improve public awareness about the organization. Particular attention has been paid by the Commission in recent years to improving the opportunities offered by UNESCO for contacts among those interested in Pacific cultures, education and science. The National Commission is also responsible for coordinating New Zealand's participation in the UNESCO World Decade for Cultural Development, 1988-1997.

923. As a member of the South Pacific Commission, New Zealand has participated in the South Pacific Festival of the Arts which is held in different countries of the region every four years.

924. Bilateral cultural agreements with France (signed in 1977) and Italy (in 1979) offer scope for strengthening mutual understanding and knowledge. Under the terms of the agreements, partner Governments undertake, for example, to support the teaching of the language, literature, culture and history of the other country. Other measures for cultural interchange which the agreements facilitate include the mounting of exhibitions, and encouragement for scholarships and awards at academic and cultural institutions.

925. The public affairs programme of the Ministry of External Relations and Trade encompasses many projects of a cultural nature, primarily to increase awareness and understanding of New Zealand overseas, but also in some instances to promote awareness of other countries' cultures in New Zealand. The Ministry has at various times during the period under review been involved in organizing tours overseas by New Zealand cultural groups and exhibitions. The outstanding example was the Te Maori exhibition referred to in section A above. The Ministry also commissions short promotional films and produces a variety of printed booklets in English and other languages, in order to extend the understanding of New Zealand society and culture in other countries. In recent years, funding has been allocated to a "New Zealand Studies" programme at selected universities and institutes in Australia, Europe, Asia and the United States.

926. Sister city or "town twinning" agreements entered into primarily at the local government level are operating successfully with a number of countries and provide another framework for cultural cooperation, visits and exchanges.

927. The commemoration of 1990 as New Zealand's sesquicentennial has had important international dimensions. The hosting of the fourteenth Commonwealth Games in Auckland, immediately before Waitangi Day on 6 February, was a particular highlight. Under the "Living Treasures" programme, a number of foreign Governments have arranged for leading personalities from their countries to visit New Zealand during the year. In February 1990, New Zealand hosted the fifth Conference of Commonwealth Arts Administrators. An international Festival of the Arts in Wellington in March brought together artists of many countries in all genres. Other activities will include the World Youth Festival in August, and the World Indigenous Peoples' Conference in December. As explained in earlier sections, activities for the 1990 commemoration have been coordinated by the 1990 Commission under the terms of the 1990 Commission Act 1988.

928. In early 1990, the Government's decision to fund a high-powered (100 kilowatt) shortwave transmitter with enhanced programme content to the South Pacific, was implemented in a joint operation of Radio New Zealand International and the Ministry of External Relations and Trade. The new equipment has been installed at a cost of about $3 million, with operating costs of about $1 million annually financed by the Ministry.

929. The new service has a South Pacific orientation and aims among other objectives to provide broadcasters and listeners in the region with reliable and convenient access to news and information on developments of regional or community interest. It is also expected to provide a valuable means of strengthening the bonds between Pacific Island communities in New Zealand and their counterparts overseas. The service will provide a medium for development assistance programmes such as English language training, and will

facilitate the exchange of regional programmes by broadcasting items prepared in other South Pacific countries, where possible, as well as those produced in New Zealand. Vernacular news and information programmes will also be provided as resources permit. Included in the general objectives of the new service are those of developing international awareness and appreciation of New Zealand, and reflecting New Zealand's cultural diversity.

930. The major difficulty affecting New Zealand's participation in international scientific cooperation is its geographical isolation from major industrial countries, and the limited resources available for cooperation at this level. To some extent, similar problems inhibit the development of international cultural cooperation.

ANNEXES

I. List of attachments*

1. Race Relations Act 1971
2. Human Rights Commission Act 1977
3. Labour Relations Act 1987
4. State Sector Act 1988
5. Accident Compensation Act 1982
6. Equal Pay Act 1972
7. Social Security Act 1964
8. Parental Leave and Employment Protection Act 1987
9. Children, Young Persons and Their Families Act 1989
10. Housing Act 1955
11. Residential Tenancies Act 1986
12. Health Act 1956
13. Mental Health Act 1969
14. Clean Air Act 1972
15. Education Act 1964
16. Education Amendment Act 1989
17. Queen Elizabeth II Arts Council Act 1974
18. Broadcasting Act 1989
19. Scientific and Industrial Research Act 1974

---

* The documents listed below are available for consultation in the Centre for Human Rights.

II. Supplementary material

1. Annual Reports of the Human Rights Commission and of the Office of the Race Relations Conciliator

2. Towards a Fair and Just Society: Summary Report of the Royal Commission on Social Policy, 1988

3. Report of the National Housing Commission, 1988

4. Before Five: Pre-School Education in New Zealand

5. Tomorrow's Schools: The Reform of Education Administration in New Zealand

6. Learning for Life: Education and Training Beyond the Age of Fifteen; and Part II: Policy Decisions

7. National Education Guidelines

8. Health Benefits Review, 1986

9. New Zealand Health Charter and Goals, 1989
